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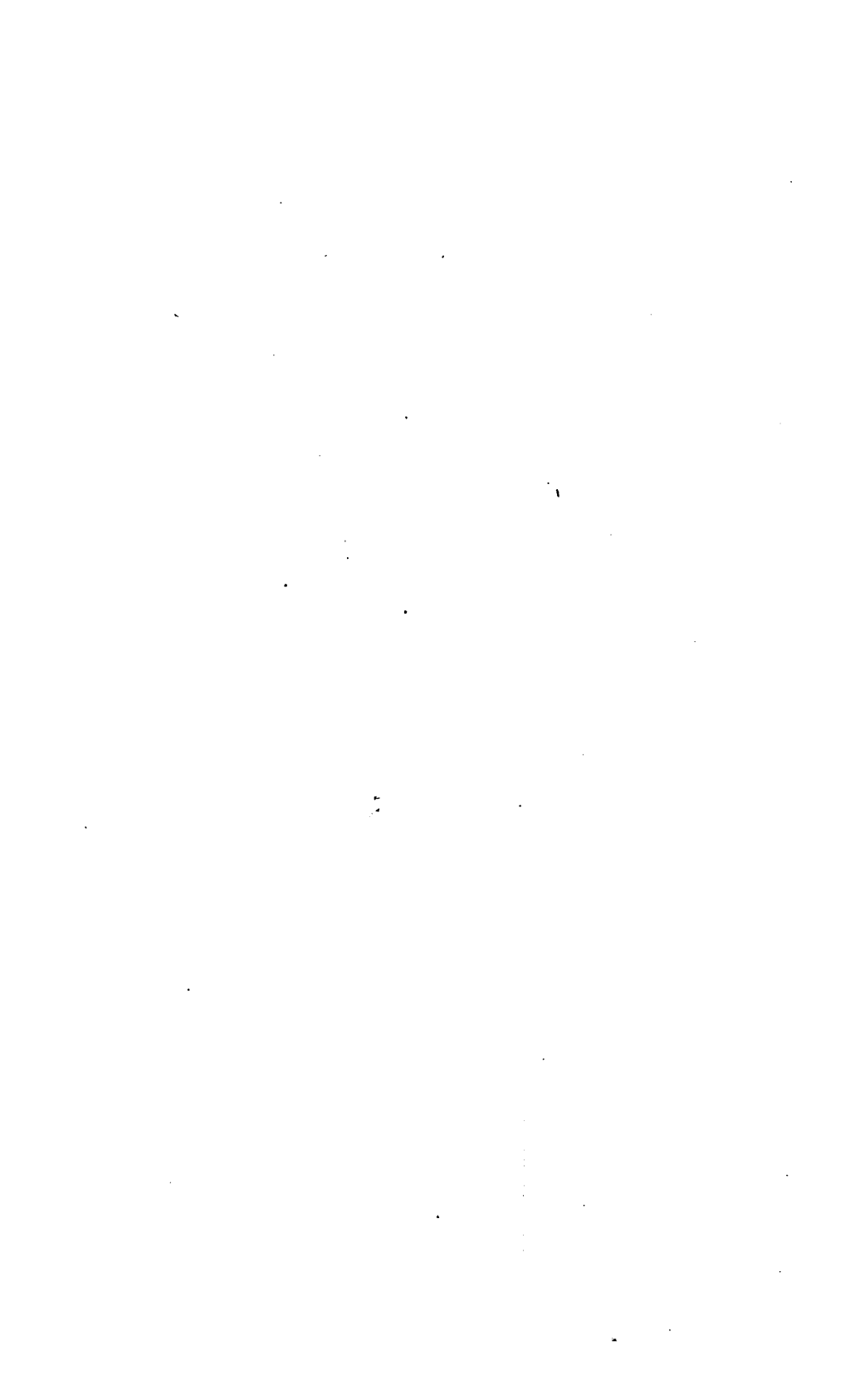
GAME AND FISH LAWS

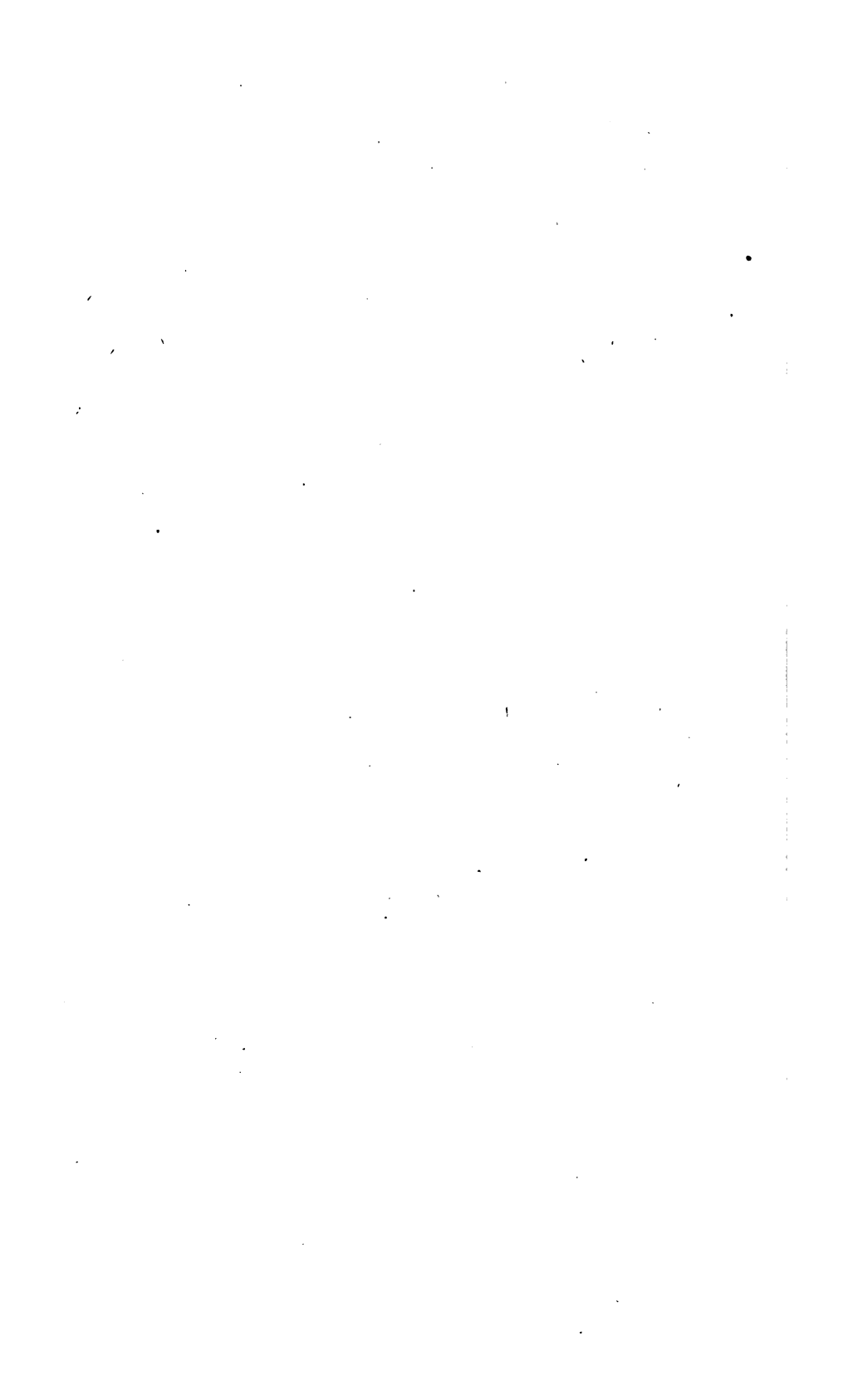
CHARLES S. HAMPTON
WARDEN

COMPILATION OF 1893









STATE OF MICHIGAN

COMPILATION

OF THE

GAME AND FISH LAWS

COMPILED BY

CHARLES S. HAMPTON

STATE GAME AND FISH WARDEN

COMPILATION OF 1893.

SEE INDEX



BY AUTHORITY

LANSING

ROBERT SMITH & CO., STATE PRINTERS AND BINDERS

1893

The sections marked thus () are the compiler's sections; the mark § refers to the sections of Howell's Statutes; and Sec. indicates the section of the act.

JUN 29 1939

THE LAW GOVERNING
THE
GAME AND FISH WARDEN
AND HIS DEPUTIES.

AN ACT to provide for the appointment of a game and fish warden and to prescribe his powers and duties.

[Act No. 28, Laws of 1887, p. 27, as amended by Act No. 110, Laws of 1898.]

(1.) SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Governor to appoint some person, a resident of this State, game and fish warden. Said warden shall hold his office for four years, or until his successor has been appointed and qualified, unless removed for cause by the Governor; he shall receive a salary of twelve hundred dollars per annum, payable monthly, and shall also be reimbursed his actual expenses necessarily incurred by him while engaged in the performance of his duties, to be paid on the warrant of the Auditor General, monthly, on the approval of his vouchers therefor.

(2.) SEC. 2. It shall be the duty of said game and fish warden to seize all nets of illegal mesh found in use in the waters of this State, and all nets and other fishing apparatus or appliances found in use in violation of the laws of this State, and to enforce the statutes of this State for the preservation of moose, wapiti, deer, birds and fish, and to enforce all other laws of this State for

the protection and propagation of birds, game and fish, now in force, or hereafter enacted, and to bring or cause to be brought, and to prosecute or cause to be prosecuted, actions and proceedings in the name of the people of this State to punish any parties for the violation of said statutes and laws. Such actions and proceedings may be brought in the name of the people in the like cases, in the same courts, and under the same circumstances as they may now or at any time hereafter be brought by any individual or by the prosecuting attorneys of the several counties under and by virtue of any laws now existing or hereafter enacted

(3.) SEC. 3. Said warden may make complaint and cause proceedings to be commenced against any person for the violation of any of the laws for the protection or propagation of game or fish without the sanction of the prosecuting attorney of the county in which such proceedings are commenced, and in such case he shall not be obliged to furnish security for costs. Said warden may also appear for the people in any court of competent jurisdiction in any case for violation of any of the laws for the protection or propagation of fish or game, and prosecute the same in the same manner and with the same authority as the prosecuting attorney of the county in which such proceedings are commenced. Said warden shall have power to search any person and examine any boat, conveyance, vehicle, fish box, fish basket, game bag or game coat, or any other receptacle for game or fish, when he has good reason to believe that he will thereby secure evidence of the violation of the law; and any hindrance or interference, or attempt at hindrance or interference with such search and examination, shall be *prima facie* evidence of a violation of the law by the party or parties who hinder or interfere with, or attempt to hinder or interfere with such search and examination. Said game and fish warden shall at any and all times seize and take possession of any and all birds, animals or fish which have been caught, taken or killed at a time, in a manner or for a purpose, or had in possession or under control, or have been shipped contrary to any of the laws of this State. Such seizure may be made without a warrant. Any court having jurisdiction of the offense, upon receiving proof of probable cause for believing in the concealment of any bird, animal

or fish caught, taken, killed, had in possession, under control, or shipped contrary to any of the laws of this State, shall issue a search warrant, and cause a search to be made in any place, and to that end may cause any building, enclosure, or car to be entered, and any apartment, chest, box, locker, crate, basket or package to be broken open and the contents thereof examined by said game and fish warden. All birds, animals or fish, or nets or fishing appliances or apparatus seized by the said game and fish warden shall be disposed of in such manner as may be directed by the court before whom the offense is tried, or by any court of competent jurisdiction. Said game and fish warden shall not be liable for damages on account of any search, examination or seizure, or the destruction of any nets or fishing apparatus of any kind, in accordance with the provisions of this act.

(4.) SEC. 4. Said game and fish warden shall have the same power to serve criminal process as sheriffs, and shall have the same right as sheriffs to require aid in executing such process. Said warden may arrest, without warrant, any person caught by him in the act of violating any of the aforesaid laws for the protection or propagation of birds, game or fish, and take such person forthwith before a justice of the peace, or other magistrate having jurisdiction, who shall proceed without delay to hear, try and determine the matter, and the same proceedings shall be had as near as may be, as in other criminal matters triable before a justice of the peace, or other magistrate having jurisdiction. Such arrests may be made on Sunday, in which case the person arrested shall be taken before a justice of the peace, or other magistrate having jurisdiction, and proceeded against as soon as may be, on a week day following the arrest.

(5.) SEC. 5. Said warden shall, in the month of December in each year, file in the office of the Auditor General an account in writing, stating the days and parts of days spent in the discharge of his duty, the kind of service rendered and the places where rendered and the expenses paid or incurred in the time of the discharge of such duties, which account shall be verified by the oath of said warden stating that the same is correct and true in every particular.

(6.) SEC. 6. Said warden shall, at the close of each calendar month, file with the Secretary of State a report in writing, and in detail, stating the service performed by him during the last preceding month, including an account of the suits commenced at his instance, as herein provided for, the disposition made of the same, the result of any brought to trial, and the condition of any undisposed of, and any other particulars he may think proper, and no payment for services performed or expenses paid by said warden shall be made until he shall present to the Auditor General, in addition to the usual oath of performance and payment, a certificate from the said secretary that he has made the report required by this act. The Secretary of State shall cause the monthly reports of said warden, or so much thereof as may be of interest to the public, to be transmitted annually to the legislature when in session.

(7.) SEC. 7. The said game and fish warden shall have power to appoint deputy game and fish wardens, who shall have the same power and authority herein provided for the game and fish warden himself, subject to the supervision and control of and to removal by the game and fish warden. Said deputy game and fish wardens shall receive three dollars per day for each day actually spent in the discharge of their duties, under the direction of the game and fish warden, and their actual expenses necessarily incurred when so employed; said three dollars per day and expenses to be paid monthly on the warrant of the Auditor General, on the approval of itemized vouchers therefor, verified under oath and certified by the game and fish warden; but the number of deputy wardens shall not exceed ten, and the total amount certified by the game and fish warden and approved by the Auditor General for compensation and expenses of deputy wardens in any one year shall not exceed the sum of two thousand dollars. Said game and fish warden shall also have power to appoint in each county not to exceed three residents thereof as county game and fish wardens, who shall have the same powers in their respective counties as is herein provided for

the game and fish warden himself, subject to the supervision and control of and to removal by the game and fish warden. The said county game and fish wardens may be employed by individuals, clubs and corporations interested in the enforcement of fish and game laws, and shall receive such other compensation as may be allowed and provided for by the supervisors of their respective counties, except in the county of Wayne, where such compensation shall be fixed by the board of county auditors. Any person who hinders, obstructs or interferes with, or attempts to hinder, obstruct or interfere with, the said game and fish warden or any deputy or county warden in the discharge of any of his duties, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten dollars, nor more than fifty dollars, together with costs of suit; and in default of payment thereof shall be confined in the county jail until said fine and costs are paid: *Provided*, That said imprisonment shall not exceed thirty days.

THE GENERAL LAWS

PERTAINING TO

FISH AND THE FISHERIES.

AN ACT to protect fish and to regulate fishing in the waters of this State, by providing close seasons for certain kinds of fish, by prohibiting the catching of fish in certain specified ways, by prohibiting the catching of fish of certain sizes and in certain waters and for certain purposes, by prohibiting the obstruction of the free passage of fish, and by prohibiting the sale of certain kinds of fish; to protect persons engaged in fish culture, and to repeal inconsistent acts.¹

[Act No. 111, Laws of 1889, as amended by Act No. 163, Laws of 1891.]

(8.) SECTION 1. *The People of the State of Michigan enact*, That no person shall catch, or take from any lake, river or stream of this State, by any means whatever, any speckled trout, land-locked salmon, grayling or California trout, from the first day of September in each year, until the first day of May following thereafter; nor shall any person catch or take any muskallonge, or any black, strawberry, green or white bass, by any means whatever, except by hook and line, from any such lake, river or stream, from the first day of March in

¹ The Legislature may protect the free passage of migratory fish in their accustomed course in streams, it being a public right. *State vs. Roberts*, 59 N. H., 256, S. C., 47 Am. Rep., 199. By reason of their migratory habits the ownership of fish is in the whole people of the State, and no individual has any property right in them. To fish is a privilege accorded by the State, and the question of individual enjoyment is one of public privilege and not of private right. The State has an undoubted right to regulate the manner in which they (fish) shall be caught, and to protect their migrations. *People vs. Collison* (Mich.), 48 N. W. Rep., 292, Feb. 27, 1891.

The States have power to regulate the internal fisheries. 1 Kent's Com., 439. 3 Kent's Com., 413, 418. The rights of riparian owners in the fisheries has always been subject to legislative control. 3 Kent's Com., 415, 418 citing; *Nickerson vs. Brackett*, 10 Mass., 212, 216. *Waters v. Liller*, 4 Pick., 145. *Ingraham vs. Wilkinson*, ib. 288. *Cottrill vs. Myrick*, 3 Fairfield, 222, 229; *Lunt vs. Hunter*, 18 Maine, 1. *Moulton vs. Libbey*, 37 Maine, 472. *Locke vs. Motley*, 3 Gray, 265. To the same effect are the following cases: *Drew vs. Hillaker*, 56 Vt., 641. *Fuller vs. Spear*, 10 Me., 417. *Peabees vs. Hannaford*, 18 Me., 106. *People vs. Reed*, 47 Barb. (N. Y.) 235. *State vs. Hockett*, 29 Ind., 302. *State vs. Snover*, 42 N. J. L., 341. All laws regulating the taking of fish are for the public benefit, to preserve the fish. *Burnham vs. Webster*, 5 Mass., 268. *Commonwealth vs. McCurdy*, 5 Mass., 334. The common law right of fishery in riparian owners has been subject immemorially to legislative control. *Vinton vs. Welsh*, 9 Pick. (Mass.), 57. An act regulating the time and manner of taking fish in waters within the territorial limits of the State, is within the authority of the State legislature. *Dunham vs. Lamphere*, 3 Gray. (Mass.), 268. Laws regulating fishing are constitutional and are binding on riparian owners. *Commonwealth vs. Look* 108 Mass., 452.

each year to the first of July following thereafter.¹ It shall be lawful for the State board of fish commissioners to give permits in writing to any person to catch or take any such fish at such time and in such manner as they shall direct, for the purposes of propagation; but in case of any prosecutions for a violation of any of the provisions of this section, such permission must be shown affirmatively by the defendant.²

(9.) SEC. 2. No person shall knowingly purchase, buy or sell, or attempt to purchase, buy or sell, any of the kinds of fish named in the foregoing section, during the respective prohibited periods above named.

(10.) SEC. 3. It shall not be lawful hereafter at any time to kill or destroy, or attempt to kill or destroy any fish in any of the waters of the State of Michigan by the use or aid of dynamite, herculean or giant powder, or any other explosive substance or combination of substances, or by the use of Indian cockle, or other substance or device which has a tendency to stupefy the fish.

(11.) SEC. 4. It shall be unlawful for any person or persons to take, catch or kill, or attempt to take, catch or kill any fish by the use of any kind of spear during the months of March, April, May and June of each year in any of the waters of this State, except Lakes Michigan, Superior, Huron, St. Clair and Erie, and in Saginaw Bay: *Provided, however,* That the spearing or catching by dip net, of mullet, grass pike, red sides and suckers shall not be unlawful.³

(12.) SEC. 5. It shall be unlawful for any person or persons to take or catch, or attempt to take or catch, any fish at any time with seines, pound nets, gill nets or any species of nets, in any of the waters of this State, except Lakes Michigan, Superior, Huron and Erie, and the bays and harbors⁴ connected with

¹ In view of section 6 of this act (compiler's section 13), this provision, so far as it relates to bass, is superfluous.

² See compiler's section 23.

³ This proviso now applies only to streams where there is no local act against spearing or the use of dip nets. Act 159 of 1891 prohibits everything but hook and line in inland lakes. See compiler's section 30.

⁴ Grand River, at a point three miles up stream from the mouth, is not a "harbor" in the sense in which that word is used in this statute. The word is used in its ordinary sense, which is "an indentation in the coast of a lake, sea or ocean, extending into the country in such a manner as to form an inlet or bay, and sufficiently narrow between the headlands as to afford protection to vessels against the wind and storm upon the waters." *People vs. Kirsch*, (Mich.) 35 N. W. Rep., 157.

said lakes, Saginaw bay and the Sault Ste. Marie, St. Clair, Saginaw and Detroit rivers.¹ It shall be unlawful for any person to take, catch or kill any fish in any manner whatever, except by hook and line, in the St. Clair river below the village of Algonac, in St. Clair county, or in any of the channels through which the said river empties into Lake St. Clair, or in any of the bays, channels or other waters known as the St. Clair Flats, and that part of Lake St. Clair lying north, northeast, and east of a line drawn from the south end of the United States ship canal at the mouth of the south or main ship channel to the mouth of the Clinton river: *Provided, however*, That the use of dip nets in catching mullet, red sides, and suckers shall not be unlawful: *And provided further*, That it shall be lawful to catch mullet, red sides, sturgeons and suckers in that part of the St. Joseph river lying in the county of Berrien, with nets, during the months of March and April in each year.

(13.) SEC. 6. It shall be unlawful for any person or persons to take, catch or kill, at any time, any speckled or brook trout, German trout, California trout, land-locked salmon, or grayling, or any black, strawberry, green or white bass, in any manner whatever, except by hook or line, in any waters of this State, excepting Lakes Superior, Michigan, Huron and Erie, and the bays and harbors connected with said lakes, and Saginaw Bay.

(14.) SEC. 7. It shall be unlawful for any person or persons to kill or capture, in any manner whatever, in any of the waters of this State, or to have in possession, any brook trout, speckled trout, California trout, land-locked salmon or grayling, of a less size than six inches in length.

(15.) SEC. 8. Hereafter it shall not be lawful for any person or persons to take or catch, by any means whatsoever, any brook trout, grayling, or California trout, from any stream in which brook trout, grayling or California trout are not native, and which may have been stocked with such fish by the State board of fish

¹ A law forbidding the catching of fish by seines, nets or traps in the waters of the State, interferes with no constitutional rights. *State vs Blount*, 85 Mo. 543, (1886.) "The State has an undoubted right to regulate the manner in which they (fish) shall be caught, and to protect their migrations." *People vs. Collison* (Mich.), 48 N. W. Rep., 292, Feb. 27, 1891.

commissioners, for the period of three years after the first planting of any such fish therein.

(16.) SEC. 9. It shall not be lawful at any time hereafter for any person or persons to catch or capture, by any means whatever, for the purpose of sale, or to ship for the purpose of sale, any brook trout or grayling from any of the inland waters of this State.

(17.) SEC. 10. It shall be unlawful for any person or persons to kill or take speckled trout or other fish from any private waters used for the propagation of such fish, except by the consent of the proprietor of such private waters.¹ It shall be the duty of the proprietors of any such private waters, who are engaged in the propagation of fish as contemplated by this section, to post, or cause to be posted, in a conspicuous manner, public notices, painted on boards in large and plain letters, that the owner, naming him, is engaged in such business, and warning all persons from killing or taking any fish in the waters named in such notices.

(18.) SEC. 11. It shall be unlawful, at any time hereafter, to take, catch or kill or destroy, or attempt to take, catch or kill or destroy, any minnows or small fry fish in any of the waters of this State, for other purposes than for fish bait.

(19.) SEC. 12. It shall not be lawful hereafter for any person to fish with any species of seines or nets within a radius of one hundred feet of or from any fish shute or ladder, [or] dam to which a fish shute or ladder is attached, nor to hinder or frighten fish from a free passage up or down a fish shute or ladder.

(20.) SEC. 13. It shall not be lawful for any person or persons to place a weir dam, fish-weir, weir net or other device across any race, stream, lake or river of this State, in such a manner as to obstruct the free passage of fish up and down the same; and any person violating this section shall, in addition to the penalty

¹ Within the meaning of the fish laws, a private pond is one where the whole stream or pond has a common owner and is so far isolated from other waters as to confine therein the fish with which it is stocked. See *Reynolds vs. Commonwealth*, 98 Pa. St., 458. One may own all the land surrounding a body of water, yet if it be a natural body of water and have an outlet communicating with public waters and allowing the passage of fish, the owner is liable for taking fish therefrom, out of the season prescribed by statute. *State vs. Roberts*, 59 N. H., 256. S. C., 47 Am. Rep., 199. An individual has no exclusive right over waters that connect with other waters through which fish migrate. *People vs. Collison* (Mich.), 48 N. W. Rep. 292, Feb. 27, 1891.]

provided for in section fourteen of this act, be liable to the payment of two dollars per day for every day that he shall continue such violation after having been duly notified by an elector of the township wherein such fish-weir or weir-net may be, feeling himself aggrieved thereby, to remove the same; said penalty or penalties to be recovered before any court of competent jurisdiction in the township or county where such offense shall have been committed; and in default of payment thereof, shall be confined in the county jail until such fine and costs shall be paid; but such confinement shall not exceed thirty days.

(21.) SEC. 14. Any person who shall be found guilty of a violation of any provision contained in the foregoing act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five dollars and not more than one hundred dollars, and the costs of prosecution, and in default of payment thereof shall be confined in the county jail until such fine and costs shall be paid; but such confinement shall not exceed thirty days.

(22.) SEC. 15. All acts and parts of acts inconsistent with any of the provisions contained in the foregoing act, except special acts applying to inland lakes in certain counties in this State, are hereby repealed.

This act is ordered to take immediate effect.

Approved May 24, 1889.

AN ACT to make possession of game or fish out of season *prima facie* evidence of the violation of the laws protecting the same.

[Act No. 68, Laws of 1887, p. 72.]

(23.) SECTION 1. *The People of the State of Michigan enact*, That in all prosecutions for the violation of any of the laws for the protection and preservation of game and fish, proof of the possession of any such game or fish, or of the skin, carcass or any portion of the skin or carcass of such game or fish, at any time when the killing, taking or having in possession any of such game or fish is by law prohibited, shall be *prima facie*

evidence of a violation of the law by the person or persons in whose possession the same shall have been found.¹

This act is ordered to take immediate effect.

Approved April 14, 1887.

AN ACT to protect fish and regulate fishing in the waters of this State by prohibiting the use of seines, pound nets, gill nets and other fixed or set nets with meshes below certain sizes, and regulating the use of such nets and to repeal inconsistent acts.

[Act No. 139, Laws of 1889.]

(24) SECTION 1. *The People of the State of Michigan enact*, That the meshes of the parts of pound or trap nets, commonly called the lead, the funnel and the heart shall not be less than five inches in extension and the meshes of the parts of said nets commonly called the pot, crib or pocket (being that part in which the fish are finally captured), shall not be less than three and one-half inches in extension. No pound, trap or other fixed or set net of whatever name or description shall be used in any waters of this State, the meshes of which are less in size than permitted by this section: *Provided*, That pound nets with pots, cribs or pockets of not less than two and one-half inch mesh, extension, may be used for taking perch, herring and pickerel in the waters of this State, but this exception shall not be construed to permit the capture of other fish in any such nets; and in any prosecution under this section the burden of proving that the acts of the defendant come within this exception is hereby cast upon the defendant: *And provided further*, That the provisions of this act shall not apply to the inland lakes and rivers of this State. But this exemption of the inland rivers shall not be construed to exempt the rivers connecting the great lakes.

(25.) SEC. 2. The meshes of gill nets shall not be less than four and one-quarter inches in extension. No gill net shall be used in the waters of this State the

¹ Similar statute upheld: Commonwealth vs. Hall, 128 Mass., 410. This statute upheld and construed: People vs. O'Neill, 39 N. W. Rep., 1 (Mich.) The court says: "It is right and proper for the legislature to cast the burden of proof upon those having game in their possession when the killing is by law prohibited," and fully protects the State from its evasion.

mesh of which is less than provided in this section. The measurement of mesh referred to in this act shall be construed to refer to the size as manufactured: *Provided*, That gill nets of not less than two and three-fourths inches in extension may be used for taking perch, herring, black-fins and long jaws in the waters of this State, but this exception shall not be construed to permit the capture of other fish.

(26.) SEC. 3. The meshes of seines shall not be less than three and one-half inches in extension. No seine shall be used in the waters of this State the mesh of which is less than is provided in this section.

(27.) SEC. 4. No seine shall be used in the waters of this State, except to be drawn upon shore or to a dock to which one rope of the net is fastened. The use of seines and every species of drag net by drifting or towing with boats is prohibited in all waters of this State. Pound nets shall be so set that the bars forming the meshes shall be in straight lines and running at an angle of forty-five degrees to the horizon.

(28.) SEC. 5. Any person who shall be found guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars and not more than one hundred dollars, together with costs of prosecution, and in default of the payment shall be confined in the county jail until such fine and costs shall have been paid, but such confinement shall not exceed thirty days. This act shall not be construed so as to prevent the using of twine now in use.

(29.) SEC. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 8, 1889.

AN ACT to regulate the taking and catching of fish in the inland lakes of this State.

[Act No. 159, Laws of 1891, as amended by Act No. 186, Laws of 1898.]

(30.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person to take, catch or kill, or attempt to take, catch or kill, any fish in any of the inland lakes and streams in this State

1. It will be seen that the words "and streams" in the last line on this page constitute a provision not expressed in the title of the act, contrary to Art. IV, Sec. 20, Constitution of Michigan. This is a mistake in Act 186, of 1898, which amended this first section without amending the title to correspond. The courts will undoubtedly hold that this act can only be used in regard to fishing in inland lakes, sections (11) and (12) governing streams where there is no local act.

with any kind of spear or grap hook, or by the use of jacks or artificial light of any kind, or by the use of set lines, or night lines, said set lines or night lines within the meaning of this act, shall be deemed to be a continuous line anchored at either end, to which shorter lines with hooks are attached,¹ or any kind of net, or any kind of fire-arms or explosives, or other device except the hook and line: *Provided, however,* That the taking, catching or killing, or attempting to take, catch or kill, of mullet, grass pike (commonly called pickerel), red sides and suckers by means of spear or grap hook, or by the use of jacks or artificial lights during any season of the year in the waters of Big and Little Clam lakes in the county of Wexford, shall not be unlawful.

(31.) SEC. 2. In all prosecutions under this act it shall be *prima facie* evidence, on the part of the people, of the violation of the provisions of this act, to show that the defendant was found upon the waters of said lakes with spear, net, trap net, set lines, jack or artificial light of any kind, or with dynamite, giant powder, or any other explosive substance or combination of substances.

(32.) SEC. 3. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed twenty-five dollars and the costs of prosecution, or imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment, in the discretion of the court: *Provided,* That this act shall not operate to repeal any local acts hertofore passed relative to the same subject.

Approved June 24, 1891.

AN ACT to secure to the people of the State of Michigan certain rights on any of the navigable or meandered waters of this State where fish have been or hereafter may be propagated, planted or spread at the expense of the people of this State or the United States.

[Act No. 121, Laws of 1891.]

(33.) SECTION 1. *The People of the State of Michigan enact,* That in any of the navigable or meandered waters

¹ This clause was inserted by the legislature of 1893 simply as a definition of the term "set lines," and should have been placed where it would not so interfere with the language of the section.

of this State where fish have been or hereafter may be propagated, planted or spread at the expense of the people of this State or the United States, the people shall have the right to catch fish with hook and line during such seasons and in such waters as are not otherwise prohibited by the laws of this State.

(34.) SEC. 2. No action at law shall be maintained against persons entering upon such waters for the purpose of such fishing, by the owner, lessee or persons having the right of possession of adjoining lands, except for actual damage done. In any such action the defendant under a proper notice may dispute on the trial the plaintiff's right to either title or possession of the land claimed to be trespassed upon.

This act is ordered to take immediate effect.

Approved June 9, 1891.

AN ACT to protect fish and preserve the fisheries of this State.

[How. An. St., p. 578-578. Act No. 350, Laws of 1865, p. 717, as amended by Act 91, Laws of 1899.]

(35.) §2163. SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for all persons to put into any of the waters of this State, where fish are taken, any offal, blood, putrid brine, putrid fish or filth of any description; and any person so offending shall be fined in any sum not exceeding three hundred dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court.¹

(36.) §2164. SEC. 2. All fish, offal, or filth of any description whatsoever, accruing from the catching and curing of fish, shall be burned or buried ten rods distant from the beach or shore of the river or lake.

SEC. 3. Repealed.

§2166. SEC. 4. Repealed.

§2167. SEC. 5. Repealed.

§2168. SEC. 6. Repealed.

§2169. SEC. 7. Repealed.

¹ An act of the legislature of Connecticut prohibited the deposit in the waters of the state, of refuse matters deleterious to fish. HELD, not unconstitutional as imposing a penalty for carrying on in the ordinary mode a lawful and harmless business, the acts prohibited being presumptively harmful. *Blydenbaugh vs. Miles*, 39 Conn., 434. If the defilement of waters is done in quantities sufficient to injure or drive away the fish, it is sufficient to justify a conviction for violating a law forbidding the defilement of waters. *Cartwright vs. Canandaigua Co.*, 32 Hun. (N. Y.), 403.

(37.) §2170. SEC. 8. The board of supervisors of each county, or a majority of them, shall grant, on the application of any transient or non-resident person or persons, a written permission or license for one year, for each and every pound or trap net used, on payment of fifty dollars legal money. All persons concerned in the breach of this act shall forfeit the sum of one hundred dollars, with all costs of suit. It shall be the duty of the board of supervisors, or a majority of them, to enforce the provisions of this act; and all moneys accruing from fishing licenses and forfeitures shall be paid over to the county treasurer.

§2171. SEC. 9. Repealed.

(38.) §2172. SEC. 10. It shall be unlawful for any person or persons to put into any of the waters fronting or bordering land where fish are taken by the legal owner or occupant of such lands any vessel or ship ballast, stone, sand, coal cinder, ashes, log slabs, decayed wood, bark, sawdust or obstruction, or filth of any other description, or to place or drive any pound-net spiles or stakes, or any other piles or stakes or posts, or build any platforms or piers, or any species of seines or continuous trap nets, to the extent of the breadth of such legal owner or occupant's lands so far as the channel banks of the rivers, and to one mile from the beach or shore, at low-water mark of the lakes, straits, inlets and bays on said waters fronting such owner or occupant's lands, and it shall subject any boat owner, or captain of any vessel, to a fine of not exceeding fifty dollars, who shall willfully run into or molest any pound net, trap or other stationary nets, or fixtures set in the lakes for fishing purposes.

(39.) §2173. SEC. 11. Any person or persons offending against the provisions of section ten of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding one hundred dollars, or imprisonment in the county jail not more than ninety days, or both such fine and imprisonment in the discretion of the court; and such person or persons shall also be liable civilly for all damages done such fishing grounds to the legal owners or occupants thereof, to be recovered in an action of trespass, in any

court of the county where such fishing grounds may be situate, having jurisdiction thereof.

SEC. 12. Repealed.

SEC. 13. Repealed.

AN ACT to provide for the erection and maintenance of shutes for the passage of fish through the dams across the streams of this State.

[How. An. St., p. 574-576. Act No. 246, Laws of 1866, p. 537. As amended by Act No. 328, Laws of 1865, and Act No. 86, Laws of 1867, and Act No. 195, Laws of 1875, and Act No. 202, Laws of 1877, and Act No. 117, Laws of 1883.]

(40.) §2150. SEC. 2. *The People of the State of Michigan enact*, That there shall be erected and maintained in each dam now existing or which may hereafter be constructed across any [stream or] river in this State, sufficient and permanent shutes or fish ladders to admit of the free and uninterrupted passage of fish over such dam or dams during the months of March, April, May and June in each and every year. Such shutes or fish ladders shall be put in or provided for such dam or dams in such manner as shall be prescribed by the board of fish commissioners of this State.

(41.) §2151. SEC. 3. Whoever obstructs the main channel or course of any river or creek, by placing therein nets or fishing apparatus of any kind whatever, for the purpose of taking or stopping fish of any kind, shall thereby incur, for each offense, a fine not exceeding twenty-five dollars; and in no case shall the said channel or course so left open be less than one-third of the whole breadth of the river.¹

(42.) §2152. SEC. 4. In respect to the construction and maintenance of fish shutes or fish ladders at dams owned by corporations, the duties and liabilities imposed by this act shall devolve and be imposed upon the president and secretary of such corporation.

(43.) §2153. SEC. 5. It shall be the duty of the owners or occupants of any dam across any stream in this State, and the owner or occupant of any dam hereafter constructed across any stream in this State, or the owner, occupant, firm, corporation, company, person or

¹ This section may be used to regulate the setting of nets in the mouths of rivers, where section (12) relative to harbors, etc., permits the use of nets, unless the courts should decide the section unconstitutional because not covered by the title of the act.

persons using such dam or dams, or enjoying the use of the same for any manufacturing purpose whatever, or for the purpose of furnishing water to propel any machinery, to cause to be erected in such dam or dams such permanent shutes or fish ladders and of such construction and material as shall be prescribed by the "fish commissioners" of this State, such shutes or fish ladders to be completed and placed in all dams in existence at the date of the passage of this act on or before the first day of March, eighteen hundred and seventy-eight, and all dams hereafter built shall be constructed with such shutes or fish ladders at the time of the building of said dams. All such shutes or fish ladders shall be maintained and kept in good repair by the owners or occupants of such dam or dams, or by the persons using the waters thereof as aforesaid, during the whole time of the existence of said dam or dams, and they shall keep said shutes or fish ladders open for the free passage of fish during all of the months of March, April, May and June of each year as aforesaid: *Provided*, That on all streams where there is not a surplus of water for all legitimate purposes of the dam owner during all of the months of March, April, May and June, that said owner shall only be required to keep such shute open when there is waste water and to cause such waste water to pass through such shute sufficient to furnish free passage for fish up such stream.

(44.) §2154. SEC. 6. It shall be the duty of the Fish Commissioners of this State to procure made a draft of a general plan on a scale of sufficient size for a working plan for a suitable shute or fish ladder, of such construction as will in their opinion best subserve the free passage of large and small fish both up and down the streams at the dams, on which plan shall be designated the greatest allowable slope per foot run of said shutes or fish ladders when in place in the dam; also the proper width and depth, together with such other details and specifications in respect to materials and construction, and connection with the dam, as will enable an ordinary carpenter to properly construct and place the same; and it shall be the further duty of said Fish Commissioners to procure to be lithographed two thousand fair copies of said plan and specifications, and to

cause to be mailed to the address of the township clerk of each organized township in the State one copy of said plan and specifications, with instructions to said township clerks to place the same on file in their offices, and not to allow said plans and specifications to be taken thence, but to keep them open to the inspection of owners and occupants of dams, and persons using the water thereof in the township for their purpose of taking copies of the same; said plan and specifications shall also be open to the inspection of the general public when not in use, as above, by the owners and occupants of dams, who shall make their shutes and fish ladders in accordance with said plan and specifications in all essential details; the expenses incurred in procuring and mailing of said lithographed copies of said plans and specifications shall be audited by the Board of State Auditors, and paid by the State Treasurer out of any moneys in the State Treasury not otherwise appropriated.¹

(45.) SEC. 7. The supervisor of each township is hereby made inspector of dams in his township during his term of office, and it shall be his duty, upon the application of twelve freeholders in his township, to lay their application before the board of supervisors at their next regular meeting, and upon the approval of said board he shall cause to be constructed by the owner of said dam a fish shute, or ladder, as provided by the terms of this act, the expense thereof to be audited and allowed by said board of supervisors, and paid out of the general or contingent fund of said county. It shall be the duty of the supervisor to prosecute, in the name of the people, with the aid of the prosecuting attorney of his county, in all cases where this law is not complied with. The supervisor shall be paid out of the contingent fund of the county the sum of two dollars for every day actually spent in the inspection of dams • in his township, or while actually employed or engaged in the prosecution of any suit under this act, to be allowed and paid by the board of supervisors.²

¹ The specifications and drafts of fish shutes contemplated by this section are exhausted, and as the legislature has made no appropriation for a new supply, recourse must be had to those on file with the township clerks.

² The Game and Fish Warden and deputies have no authority to order the erection of fish shutes. It is left to the supervisors.

(46.) §2156. SEC. 8. If the owner or occupant, or any firm, corporation, company, person or persons using or enjoying the use of any dam or dams across any stream in this State which is now built, or which may be built hereafter, shall fail to comply with all the provisions of this act with respect to the construction and maintenance in good repair of such shutes or fish ladders in any such dam or dams, after having been notified in writing by said supervisor to construct the same, he or they shall be deemed guilty of a misdemeanor, and for each and every thirty days that such owner or occupant shall neglect or refuse to comply with all the provisions of this act applicable to him or them, he or they shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both fine and imprisonment, in the discretion of the court.

(47.) §2157. SEC. 9. All fines and penalties arising under this act shall be paid into the county treasury of the county wherein said dam or dams are located, and the same shall be credited to the contingent fund of such county.

LOCAL LAWS

PERTAINING TO FISHING.¹

AN ACT to regulate the catching of fish in certain waters of this State.²

[How. An. St., pp. 578-580. Act No. 188, Public Acts of 1875, p. 221. Act No. 53 Laws of 1885.]

(48.) §2174. SECTION 1. *The People of the State of Michigan enact*, That no person shall extend any pound, trap, stake or set-net of any kind, or any other device for the purpose of taking fish in Lake Erie (within the jurisdiction of this State), further than one mile in an easterly direction measured from a line running from Point Mouille, in township of Berlin, in Monroe county, in this State, to Stony Point, in said county, nor further than one mile out from a line running from Stony Point to Raisin Point, in said county, nor further than one mile out from a line running from Raisin Point to Bay Point, or North Cape, of Maumee Bay, at the State line between the States of Michigan and Ohio. Nets, or other devices for taking fish, extending from the shores of islands in Lake Erie within this State, shall not be extended further than one mile from shore of said islands.

(49.) SEC. 2. No person shall use any pound, trap,

¹ See compiler's section 12 for provision as to fishing in St. Clair river and St. Clair flats.

² Statutes for the protection of fish in particular waters are not forbidden by a constitutional restriction upon local legislation. Thus, the legislature of Indiana has power, notwithstanding such a restriction, to pass an act limiting the time and mode of taking fish in specified waters. *State vs. Boone*, 30 Ind., 225. General fishing law is not unconstitutional as to a provision making penal the use of nets at certain times in particular counties. *Doughty vs. Conover*, 42 N. J. L., 193. A fishing law is not unconstitutional because certain counties are excepted from its operation. *Manly vs. State*, 16 Lea. (Tenn.) 218.

stake, gill or set-net, or like device of any kind for taking fish in any of the waters of this State connecting Lakes Huron and Erie, nor fish with any seine or sweep-net beneath the ice which may have formed or frozen upon the surface of said water, between a radius of two miles from the outlet of Lake Huron and the mouth of the Detroit river: *Provided*, It may be lawful with pound-nets in that portion of Lake St. Clair, between a line drawn across said lake easterly, two miles northerly of Windmill Point light house, and a line drawn easterly across said lake from the mouth of Milk river, as laid down on the chart of Lake St. Clair made by the United States Engineer Corps on the survey of the Northern and Northwestern lakes.

(50.) §2176. SEC. 3. No person shall use any net whatever, or device of any kind for the purpose of catching fish, in the waters of Lakes Erie or St. Clair, within this State, beyond such limits as may be designated in this act. No person shall use any pound, trap, stake, fike, set-net, or device of any kind for taking fish, in the St. Clair river within the jurisdiction of this State, excepting as provided for in section four of this act.

(51.) §2177. SEC. 4. No sweep net exceeding one hundred and fifty fathoms in length shall be used in any waters in this State for the purpose of taking fish. No sweep net exceeding sixty fathoms in length shall be used in the waters of Detroit river or St. Clair river within the boundaries of this State.

(52.) §2178. SEC. 5. No person shall attach, either directly or indirectly, to any bridge across either of said Detroit river or St. Clair river, or to any pier, part or appurtenance of said bridge, any net or device by which the passage of fish shall be prevented or impeded. No bridge company or other company, or person having the control of such bridge, shall license or permit, either for hire or gratuitously, any such net or device to be in any way attached thereto, or to any part thereof.

(53.) §2179. SEC. 6. It shall not be lawful for any person to catch or take white fish between the twentieth day of November and the first day of March succeeding in each year,¹ in any of said waters of Lake

¹ May be taken on either of said days; see (173).

Erie or Detroit and St. Clair rivers; and immediately after said twentieth day of November, all nets, piles, stakes, and all other appliances of every kind which have been used in the business of fishing, shall be carried or caused to be carried to the shore, or inside the channel bank, by the person or persons who have used them; and they shall also cause the ground beneath the waters where such fishing has been carried on to be cleared, so far as may be reasonable to be done, from all debris and material found thereon, which has resulted from said business.

(54.) §2180. SEC. 7. Any person who shall attempt to divert the natural progress or running of whitefish within any of the waters mentioned in the different sections of this act, by shingling or any other device calculated to frighten or divert such fish from their natural course, shall forfeit the sum of one hundred dollars, and imprisonment not exceeding sixty days, at the discretion of the court. Pound nets or seines shall not be construed to come within the provisions of this section, when used in compliance with this act.

(55.) —SEC. 8. Any person charged with offending against the provisions of this act may be tried within any circuit court within whose jurisdiction the offense charged shall be committed, and upon conviction, such person shall be subject to a fine, not exceeding fifty dollars, for each and every offense, and to imprisonment in the county jail until such fine is paid; but not for a period exceeding sixty days.

(56.) §2182. SEC. 9. It shall be the duty of said commissioners of State fisheries, or of the sheriffs of the different counties in their respective jurisdictions, to enforce the provisions of this act, and when, upon information or otherwise, said commissioners or sheriffs shall discover any violations thereof, to institute the necessary proceedings to punish such violation.

(57.) §2183. SEC. 10. No part of this act shall be construed as a prohibition upon fishing with hooks, or with spears, or any instrument or device similar in principle of its operation to such hooks or spears, at any time and in any waters, nor upon fishing with sweep nets of any length not exceeding one hundred and fifty fathoms, in the waters where pound, stake, or trap, or

set-nets, or set devices of any kind for taking fish, may be used under the provisions of this act.

(58.) §2184. SEC. 11. It shall not be lawful to use sweep net within two miles of the mouths of St. Clair river during the months of December, January and February in each year, nor to use seines in the above named locality during the spawning season of black bass.

(59.) — SEC. 12. Nothing in this act shall be construed as a prohibition upon fishing with sweep nets not exceeding sixty fathoms in length in the St. Clair and Detroit rivers, except the provisions as to taking whitefish, contained in section six of said act.

AN ACT to prohibit the catching of fish with nets in certain waters in this State.

[Act No. 257, Local Acts of 1883, p. 415.]

(60.) SECTION 1. *The People of the State of Michigan enact*, That no person shall use any pound, trap, stake, set or sweep net, or device of any kind for taking fish in Lake St. Clair within the waters embraced in the territory of the counties of Macomb, and St. Clair during the months of March and April in each year.

(61.) SEC. 2. Any person charged with offending against the provisions of this act may be tried before a justice of the peace of the county having jurisdiction of the waters in which the offense is charged to have been committed, in the same manner as other offenders are tried where the justice has jurisdiction, and upon conviction such person shall be subject to a fine not exceeding fifty dollars for each and every offense, and to imprisonment in the county jail until such fine is paid, but not for a period exceeding ninety days.

(62.) SEC. 3. This act shall not be construed as a prohibition upon fishing with a hook, or with spears, or any instrument or device similar in principle of its operation to such hook [hooks] or spears, at any time in Lake St. Clair.

AN ACT to prevent fishing during the months of January, February, March and April, in the inland lakes in the counties of Alpena and Presque Isle.

[Act No. 95, Laws of 1889.]

(63.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person or persons to take or catch any fish during the months of January, February, March and April, in any of the inland lakes of or situate in the counties of Alpena and Presque Isle.

(64.) SEC. 2. Any person or persons violating section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, shall pay a fine of not less than ten dollars and not exceeding one hundred dollars for each offense, and on failure to pay such fine shall be committed to the county jail not less than ten nor more than ninety days.

This act is ordered to take immediate effect.

Approved May 15, 1889.

AN ACT for the protection of fish in the lake known as Swaines' Lake, in the township of Pulaski, Jackson county, for a period of five years.

(65.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful to catch, kill or destroy fish with seines or with any species of continuous net, or with any form of spears, or with any description of fire-arms in the inland lake known as Swains' lake in Jackson county, for a period of five years from and after the passage of this act.

(66.) SEC. 2. It shall not be lawful for any person or persons, between the first day of December in each year and the first day of April next succeeding,¹ to fish with a hook and line, or in any other manner, in the lake known as Swains' lake in Jackson county.

(67.) SEC. 3. Any person offending against any of the provisions of this act shall, upon conviction thereof before any court of competent jurisdiction, be liable to a

¹ Does not prohibit fishing on said days; see (173).

fine of not over one hundred dollars or to imprisonment in the county jail not over sixty days.

This act is ordered to take immediate effect.

Approved May 21, 1889.

AN ACT to prohibit the catching of fish with seines, gill-nets, or any form of pound or trap nets in the channels known as the Les Cheneaux channels or in the entrances thereto, except that portion lying east of the east line of section thirty-four, town forty-two north of range one east.

[Act No. 70, Laws of 1889.]

(68.) SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful hereafter to fish with seines, gill-nets, or any form of pound or trap nets in the channels known as the Les Cheneaux channels in Mackinaw county, or in the entrances thereto, except that portion lying east of the east line of section thirty-four, of town forty-two north, range one east; said line running north and south. Any person offending against any of the provisions of this act shall, on conviction thereof, be liable to a fine of not more than twenty-five dollars, or imprisonment in the county jail not more than ten days, or both such fine and imprisonment, at the discretion of the court.

Approved May 3, 1889.

AN ACT to prohibit the taking, catching or destruction of fish in Raisin river of this State.

[Act No. 22, Laws of 1889.]

(69.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person to take, catch or kill any fish in the Raisin river of this State with spear, net, grap hook, or by the use of jacks or artificial light, or any kind of firearms or explosive material, set lines or other device, except the hook and line: *Provided*,

That the board of supervisors for Monroe, Washtenaw and Lenawee counties where said river is in part situated, by a two-thirds vote of all the members elect of said board or boards may suspend in part or in whole, and for such period as they may determine, the operation of this act for these respective counties, within the limits of said counties.

(70.) SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed twenty-five dollars and costs of prosecution, or imprisonment in the county jail not to exceed thirty days.

(71.) SEC. 3. In all prosecutions under this act it shall be *prima facie* evidence on the part of the people of the violation of the provisions of this act to show that the defendant was found upon the waters of said river with spear, net, trap net, jack or artificial light of any kind, or with dynamite, giant powder, or any explosive substance or combination of substances.

Approved March 29, 1893.

AN ACT to prohibit catching or taking fish in Maple river and tributary streams in any other manner than with hook and line.

[Act No. 164, Laws of 1893.]

(72.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person or persons to take, catch or kill any fish in the Maple river and streams tributary thereto in this State with a spear, net, grap hook or by the use of jacks or artificial lights or any kind of firearms or explosive material, set lines or other device except hook and line.

(73.) SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed twenty-five dollars and costs of prosecution, or imprisonment in the county jail not to exceed thirty days.

(74.) SEC. 3. In all prosecutions under this act it shall be *prima facie* evidence on the part of the people of the violation of the provisions of this act, to show

that the defendant was found upon the waters of said river or streams tributary thereto with spear, net, trap net, jack, set lines or artificial light of any kind or with dynamite, giant powder or any explosive substance or combination of substances.

(75.) SEC. 4. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved May 31, 1893.

AN ACT for the protection of fish in the lakes and streams of the county of St. Joseph, State of Michigan, for a period of two years from and after the passage of the act.

[Act No. 166, Laws of 1891, as amended by Local Act No. 359, Laws of 1893.]

(76.) SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful to catch, kill or destroy any fish with seines or any species of continuous nets, or with any form of spears or grap-hooks, or with any description of firearms, or by dynamite or any other explosives, in any of the lakes and streams of the county of St. Joseph, in the State of Michigan, for the period of four years from and after the passage of this act: *Provided*, It shall be lawful to catch minnows with small nets for bait: *Provided, also*, It shall be lawful to catch fish with a hook and line: *And provided further*, That suckers may be taken from the lakes of said St. Joseph county during the months of April and May in each year by means of a device called a "rake."

(77.) SEC. 2. Any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, be liable to a fine of not over one hundred dollars, or by imprisonment in the county jail not more than sixty [days] day, or by both such fine and imprisonment in the discretion of the court.

(78.) SEC. 3. All acts or parts of acts in conflict with this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 26, 1891.

AN ACT to prohibit the taking, catching or destruction of fish in Pigeon river or lake in the township of Olive, Ottawa county.

[Local Act No. 300, Laws of 1893.]

(79.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person to take, catch or kill any fish in Pigeon river or lake in the township of Olive, Ottawa county, with any seine, net, grap-hook, or by the use of jacks or artificial light or any kind of fire arms or explosive material, or other device except the hook and line.

(80.) SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars and costs of prosecution or imprisonment in the county jail not to exceed thirty days.

(81.) SEC. 3. In all prosecutions under this act it shall be *prima facie* evidence on the part of the people of the violation of the provisions of this act to show that the defendant was found upon the waters of said river or lake with seine, net, trap-net, jack or artificial light of any kind, or with dynamite, giant powder, or any explosive substance or combination of substances.

This act is ordered to take immediate effect.

Approved March 20, 1893.

AN ACT prohibiting the transporation of fish outside of the State which are caught in any of the waters of the counties of Branch or St. Joseph.

[Act No. 88, Laws of 1893.]

(82.) SECTION 1. *The People of the State of Michigan enact*, That no person, company or corporation shall at any time expose for sale, transport, or have in his possession any fish for any purpose except consumption as food in this State, which have been caught in any of the waters of Branch or St. Joseph counties.

(83.) SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed fifty dollars, and costs of prosecution for

each offense, or be committed to the county jail in the county where such offense was committed until such fine and costs are paid: *Provided*, Such imprisonment shall not exceed thirty days.

(84.) SEC. 3. All prosecutions under the provisions of this act shall be commenced within one year from the time such offense was committed.

Approved May 20, 1893.

AN ACT making it a misdemeanor to take fish from the waters of Diamond lake in Cass county, during the months of December, January, February or March, excepting by certain prescribed means, and to prescribe penalties for violation of this act.

[Act No. 100, Laws of 1898.]

(85.) SECTION 1. *The People of the State of Michigan enact*, That hereafter it shall be unlawful to take or catch fish by means of any set lines, or night lines, or any kind of tackle or by any means whatsoever, from any of the waters of Diamond lake in Cass county during the months of December, January, February or March, excepting by hook and line held in the hand of the person fishing.

(86.) SEC. 2. Any and every person offending against any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be liable to a fine of not less than ten dollars nor more than fifty dollars, or imprisonment in the county jail not over thirty days, in the discretion of the court. Justices of the peace shall have jurisdiction to hear, try and determine all cases arising under the provisions of this act.

Approved May 24, 1893.

AN ACT to prevent obstruction being so placed in the channel of the north fork of Bad river, or any of its branches in the counties of Gratiot and Saginaw, as to prevent the free passage of fish up or down said stream.

[Act 295, Laws of 1869, Vol. 2, p. 482.]

(87.) SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person or

persons to so stretch any wire, drive any stakes, or place any other obstructions in the channel of the north fork of Bad river, in the counties of Gratiot and Saginaw, or in any of the branches of said streams, as to prevent the free passage of fish up or down the channel of said stream and its branches.

(88.) SEC. 2. Any person or persons who shall willfully so stretch any wire, drive any stakes, or so place any obstructions in any of the streams mentioned in section one of this act as to prevent the free passage of fish up or down said streams, shall be deemed guilty of a misdemeanor, and upon conviction thereof, by a court of competent jurisdiction, shall be punished by a fine not exceeding twenty-five dollars, or imprisonment in the county jail not more than twenty days, or both, at the discretion of the court.

This act shall take immediate effect.

AN ACT for the protection of fish in the lakes known as Devil's lake and Round lake, in Lenawee county, and Whitmore lake, Washtenaw county.

[Act 334, Laws of 1889, Vol. 2, p. 659, as amended by Act No. 169, Laws of 1889.]

(89.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful to catch, kill or destroy fish with seines, or with any species of continuous nets, or with any form of spears, or with any description of firearms, in the inland lakes known as Devil's lake and Round lake in Lenawee county, and in Whitmore lake, Washtenaw county.

(90.) SEC. 2. It shall not be lawful for any person or persons between the first day of December in each year, and the first day of April next succeeding,¹ to fish with hook and line, or in any other manner, on lakes known as Round lake, in Lenawee county, and Whitmore lake, in Washtenaw county.

(91). SEC. 3. Any person offending against any of the provisions of this act shall, upon conviction thereof before a court of competent jurisdiction, be liable to a

¹ Does not prohibit fishing on the said two days; see (173).

fine of not over one hundred dollars, or to imprisonment in the county jail not over sixty days.

AN ACT to prevent the destruction of fish in Reed's lake and Fisk's lake, in the township of Grand Rapids, in the county of Kent.

[Act No. 389, Laws of 1873, Vol. 3, p. 172.]

(92.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful hereafter to take or catch any fish in the lake known as Reed's lake, or the lake known as Fisk's lake, in the township of Grand Rapids, in the county of Kent, with the spear, or by shooting them with any fire-arms.

(93.) SEC. 2. It shall not be lawful to fish in said lakes, or either of them, in any manner, or to take or remove any fish therefrom in any manner, at any time during the months of November, December, January, February, March and April in any year.

(94.) SEC. 3. Any person offending against the provisions of this act shall, on conviction thereof, be liable to a fine of not more than five dollars.

This act shall take immediate effect.

AN ACT to prohibit fishing with nets, excepting dip-nets, in any of the lakes, bays, bayous, harbors or streams of Muskegon county in this State.

[Act No. 306, Laws of 1887, p. 433.]

(95.) SECTION 1. *The People of the State of Michigan enact*, That it shall not hereafter be lawful for any person to fish with seines, pound-nets, traps, trap-nets, or any net of whatsoever kind or description, except dip-nets, in any of the lakes, bays, bayous, harbors, rivers or streams within the county of Muskegon in this State; and when such streams empty into Lake Michigan, or such lakes, bays, bayous or harbors have an outlet into said Lake Michigan, this act shall apply to the waters of Lake Michigan, at any point within the distance of ten rods from the outlet of any stream therein, or where there are

piers between which such waters are discharged into said Lake Michigan within ten rods of the outermost end of such piers: *Provided*, That except, as aforesaid, this act shall not apply or be construed as applicable to the waters of Lake Michigan.

(96.) SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 28, 1887.

AN ACT to prohibit the spearing of fish in any of the waters within Newaygo county, State of Michigan.

[Act No. 170, Laws of 1891.]

(97.) SECTION 1. *The People of the State of Michigan enact*, That hereafter it shall not be lawful for any person to spear any fish in any lake, river, pond, creek or other waters within the county of Newaygo, in the State of Michigan.

(98.) SEC. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, before a court of competent jurisdiction, shall be punished by a fine of not more than one hundred dollars, or imprisonment in the county jail for a period not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved June 29, 1891.

AN ACT to prohibit catching or taking small-mouth black bass in Walloon lake, situate in the counties of Charlevoix and Emmet.

[Act No. 32, Laws of 1893.]

(99.) SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful to take or catch, by any means whatsoever, small-mouth black bass in

Walloon lake (or Bear lake so-called), from the fifteenth day of April in each year to the twelfth day of July next succeeding.

(100.) SEC. 2. Any person violating section one of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not to exceed fifty dollars and costs of suit, or to imprisonment in the county jail not to exceed thirty days, in the discretion of the court.

This act is ordered to take effect thirty days after approval by the Governor.

Approved April 14, 1893.

AN ACT to protect the fish in Saginaw river and its tributaries.

[Act No. 31, Laws of 1893.]

(101.) SECTION 1. *The People of the State of Michigan enact*, That hereafter it shall not be lawful to use any pound, trap, stake, gill or set nets or seines or like device of any kind for taking fish in the waters of the Saginaw river and its tributaries or in any of the booms, creeks or bayous adjacent thereto or connected therewith, nor in Saginaw bay¹ nor within one mile from Dummy Range light (so-called), nor within one mile of the mouth of Saginaw river where it empties into Saginaw bay within the limits of Saginaw and Bay counties, from the first day of April to the first day of November in each year; and it shall also be unlawful for any person or persons, firm or corporation, to purchase or sell or offer for sale or make use of any perch of a less weight than four ounces, or any suckers or mullets of a less weight than twelve ounces, and it shall be the duty of any person who shall take any perch, suckers or mullets of a less weight than herein prescribed to replace the same alive and without injury into the waters from which the same were taken.

¹ It will be noticed that the title of this act refers only to the Saginaw river and tributaries, while the act itself forbids the use of nets in Saginaw Bay. See Art. iv, Sec. 20, constitution of Michigan.

(102.) SEC. 2. Any person who shall be found guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars, together with the costs of prosecution, and in default thereof shall be confined in the county jail until such fine and costs shall have been paid, but such confinement shall not exceed thirty days.

SEC. 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved April 14, 1893.

AN ACT To prohibit the taking or catching or attempting the taking or catching in any of the rivers or inland waters, of either of the counties of Macomb, St. Clair, Lapeer or Oakland excepting the river and Lake St. Clair by seine, drag, pound or gill net, or any other device or means, except by hook and line, fish used or that may be used as bait; and to prescribe penalties for the violation of this act.

[Act No. 37, Laws of 1893.]

(103.) SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person or persons to take or catch, or to attempt to take or catch by seines, drag, pound or gill net, or by any other device or means except by hook and line, any species of fish used or that may be used for bait in any of the rivers and inland waters of either Macomb, St. Clair, Lapeer or Oakland counties, excepting the river and Lake St. Clair.

(104.) SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction, shall be fined a sum of not less in amount than fifty dollars, nor more than one hundred dollars or by imprisonment in the jail of the county in which such violation shall occur, for a term not exceeding ninety days, nor less than twenty days, or by both fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved April 19, 1893.

AN ACT to provide for the erection and maintenance of shutes or ladders, for the passage of fish through dams across the Muskegon river and its tributaries, Clinton river and its tributaries in Macomb county and the Black river in Sanilac and Huron counties, and to provide a penalty for violation of the provisions of this act.

[Act No. 186, Laws of 1893.]

(105.) SECTION 1. *The People of the State of Michigan enact*, That there shall be constructed and maintained in each dam now existing, or which may hereafter be constructed, across the Muskegon river or its tributaries, the Clinton river and its tributaries in Macomb county, and the Black river in Sanilac and Huron counties, in this State, sufficient and permanent fish shutes or fish ladders, to admit of the free and uninterrupted passage of fish, over or through such dam or dams during the months of March, April, May and June in each and every year; such shutes or fish ladders shall be put in, or provided for such dam or dams in such manner as shall be prescribed by the board of fish commissioners of this State.

(106.) SEC. 2. In respect to the construction and maintenance of fish shutes or fish ladders in or through any dam or dams across the said Muskegon river or its tributaries owned by any firm, corporation, company, person or persons, the duties and liabilities imposed by this act shall devolve and be imposed upon the president, secretary, or agent of such firm, corporation, company, person or persons. The game and fish warden of this state is hereby made inspector of dams across the Muskegon river and its tributaries, and it shall be his duty to prosecute in the name of the people, with the aid of the prosecuting attorney of any county, in all cases where the provisions of this law are not complied with: *Provided, further*, That the provisions of this act shall not apply to Muskegon county.

(107.) SEC. 3. If the owner or occupant, or any firm, corporation, company, person or persons using or enjoying the use of any dam or dams across the said Muskegon river or its tributaries, which is now built or which may be built hereafter, shall fail to comply with all the provisions of this act with respect to construction and maintenance in good repair of such shutes or fish ladders in any such dam or dams, after being noti-

fied in writing by the said game and fish warden to construct the same, he or they shall be deemed guilty of a misdemeanor, and for each and every thirty days that such owner or occupant shall neglect or refuse to comply with all the provisions applicable to him or them, he or they shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court. In case the owner or occupant of any dam shall fail to construct a shute or fish ladder as provided in this act, then and in such case on the petition of fifty freeholders of any county through which the said Muskegon river or its tributaries flow, across which such dam or dams may be constructed, the game and fish warden shall cause to be constructed a suitable shute or fish ladder, as provided for by section one of this act, at such place in the dam as will cause least injury to the water power, and the expense of the construction of such shute or fish ladder shall be certified by the State game and fish warden and audited by the board of supervisors of the county in which said services were rendered, and be paid out of any money belonging to the general fund of the county not otherwise appropriated.

(108.) SEC. 4. The board of supervisors of any county upon auditing and allowing such expense shall, by resolution, order the supervisor of the township or ward in which such dam or dams are situated to spread the same upon the tax roll of said township or ward assessed against the property to which said dam or dams are appurtenant and the owner or owners thereof, to be collected in the same manner as other township taxes, and to be paid over to the county treasurer, or returned as delinquent, as the case with other county taxes levied upon lands within said township. This act, however, shall not apply to brooks [or] creeks in Newaygo county.

In no case shall the owner of the dam in the county in which it is situated be required to pay more than fifty dollars for the building of a shute.

SEC. 5. That all acts or parts of acts contravening

the provisions of this act be and the same are hereby repealed.

Approved May 31, 1893.

AN ACT to encourage the propagation and culture of whitefish and the protection of whitefish fry in South Manistique lake in the county of Mackinaw, in this State, by granting certain privileges to owners and lessees of all the lands bordering upon such lake, and shall annually for a specified time deposit in such lake certain quantities of whitefish fry, and to repeal all acts and parts of acts so far as they are inconsistent with the provisions of this act, and to provide a penalty for the violation of this act.

[Act No. 84, Laws of 1893.]

(109.) SECTION 1. *The People of the State of Michigan enact*, That any person, persons or corporation who own or lease all the lands bordering upon South Manistique lake, in Mackinac county, in this State, and who shall deposit in said lake annually for five years from the time this act shall take effect two million whitefish fry shall have the exclusive right on complying with all the provisions of this act to fish in said lake in any manner they shall see fit with nets or seines of legal size of mesh, and they may use seines of any size mesh for the purpose of catching and removing from said lake any fish which are destructive of the eggs or fry of whitefish, and they shall have the exclusive privilege within the terms provided in this act of catching at any time and in any manner except with nets of unlawful mesh the whitefish in said lake and to sell the same at any season of the year.

(110.) SEC. 2. The whitefish fry mentioned in this section shall be deposited in this lake at the proper time in the spring of each year, and the person, persons or corporation so controlling said lake shall furnish annually due proof of the fact of the deposit of said two million whitefish fry, and the authority herein given to fish shall not commence in any year until due and satisfactory proof is furnished to the State Board of Fish Commissioners of the deposit of said whitefish fry in the manner provided in this act, and the authority

herein given to fish shall cease after one year from date of filing the last preceding proof of depositing such whitefish fry, and such person, persons or corporation shall not be authorized to fish in said lake except to take therefrom fish that may be destructive of eggs or fry of whitefish until they have deposited the two million whitefish fry provided for the next succeeding year. This provision shall apply to each of the five years provided for in this act.

(111.) SEC. 3. Any person, persons or corporation who own or lease all of the land bordering upon said lake described in the first section of this act, and who shall have complied with the provisions of this act in depositing white fish fry shall have the right at any time after they have made their first deposit of such fry to erect and maintain upon or at the source of any river, stream or creek leading in or out of such lake, such dam or dams as they may deem necessary to prevent any fish which are destructive of the eggs or fry of white fish from entering such lake: *Provided, however,* That such dam or dams shall not be so constructed as to back the water in such streams or raise the water in said lake above the high water mark.

(112.) SEC. 4. It shall not be lawful for any person other than the owners or lessees mentioned in this act, or their agents or servants, to fish in such lake except with hook and line, and it shall not be lawful for the person, persons or corporations, owners or lessees to take any fish out of said lake except with hook and line in violation of any of the provisions of this act. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment in the discretion of the court.

SEC. 5. All acts and parts of acts which may relate to said South Manistique lake so far as they are inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 17, 1893.

BOARD
OF
FISH COMMISSIONERS.

AN ACT to establish a State Board of Fish Commissioners, and to repeal act number one hundred twenty-four, session laws of eighteen hundred seventy-three, act number seventy-one, session laws of eighteen hundred seventy-five, and act number three, session laws of eighteen hundred eighty-two.

[Act No. 63, Public Acts of 1885, pp. 62-64.]

(113.) — SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the Governor, by and with the advice and consent of the Senate, to appoint three persons, residents of this State, who shall constitute a board of Fish Commissioners. The persons so appointed shall hold office each for the term of six years, the terms of office of the several persons now composing said board to continue for the time for which they were appointed, or until their respective successors are appointed, confirmed and qualified. The Board of Fish Commissioners, as at present organized and constituted by law, and their successors in office, appointed hereunder, or under any act of the Legislature of this State which may hereafter become a law, shall constitute a body corporate by and with the name and title of the "State Board of Fish Commissioners," with the right, as such corporation, of contracting, suing and being sued, of making and using a common seal, taking conveyances and leases of lands and tenements, and holding and disposing of the same, in the said cor-

porate name, and of owning, using, and disposing of personal property, for the uses of said board in carrying out the objects of their organization and appointment, as the same are herein or may by law hereafter be declared. Any vacancies occurring in the membership of said board to be filled by the Governor; appointments to fill vacancies to be submitted to the Senate for confirmation at its next regular session, if extending beyond a session of the legislature.

(114) — SEC. 2. It shall be the duty of the said board of commissioners to select suitable locations within this State, whereon to establish and maintain fish-breeding establishments for the propagation and cultivation of white fish, and such other kinds of food fishes as they may direct, for the purpose of stocking with such fish, and replenishing the supply of the same, in such of the inland and bordering waters of this State, as they may know, or have reason to believe are suitable for the kinds of fish they may select. All property owned or leased by the commissioners shall be exempt from taxation so long as held and used for State purposes under this act. Said board of commissioners shall employ a competent person as superintendent of fisheries, whose duty it shall be to devote his entire time to gathering ova, hatching and planting, or distributing fish, and superintending generally the practical operations of the work, under the direction of the board of commissioners.¹ They may also employ such other assistance as the exigencies of the work may require. All persons employed by the board shall be governed by the regulations it may adopt for that purpose. The salary of the superintendent not to exceed twelve hundred dollars per annum.

(115.) — SEC. 3. Said board of commissioners shall cause to be kept proper books of accounts and records of their own transactions, and also of all operations and experiments in the discharge of the duties aforesaid, and shall report biennially to the Governor upon their operations and the practical results and success of the same.

(116.) — SEC. 4. The said board may take, or cause to be taken, any fish in any manner or at any

¹ The superintendent of fisheries is removable at the pleasure of the Board of Fish Commissioners. *Portman vs. Board of Fish Commissioners*, 50 Mich., 258.

time, for the purposes connected with the fish culture or with scientific observation. And they shall further discharge any duties required of them by law relating to the fishing interests or the enforcement of laws relating to the protection of fish and fisheries in this State. Said board may receive from the State Treasurer out of the appropriations made therefor all the expenses actually disbursed by them while in the discharge of the duties required of them by law.

(117.) — SEC. 5. Appropriations for the necessary expenses of the work of said board shall be paid to them by the State Treasurer on the warrants of the Auditor General, from time to time, as their vouchers for the same are exhibited and approved. The unexpended balance of any appropriation at the end of the year for which the same is made shall be carried forward to the credit of the board, provided the board certify to the Auditor General and State Treasurer that the same is needed for the purchase of additional grounds, making permanent improvements upon any of its property, or for apparatus or labor in extending the work.

(118.) — SEC. 6. In case appropriations by other States contiguous to the waters of Michigan shall be made, and a disposition for joint action with the State of Michigan be expressed, the said board of commissioners, with the approval of the Governor of the State, may arrange for and carry into effect joint action for replenishing the supply of food fish in such contiguous waters.

(119.) — SEC. 7. Act number one hundred and twenty-four [124] of the session laws of eighteen hundred and seventy-three, entitled "An act to establish a board of commissioners to increase the product of the fisheries, and to make an appropriation therefor," approved April nineteenth, eighteen hundred and seventy-three; act number seventy-one [71] of the session laws of eighteen hundred and seventy-five, entitled "An act to amend section one [1] of act number one hundred and twenty-four [124] of the session laws of eighteen hundred and seventy-three, entitled 'An act to establish a board of commissioners to increase the product of the fisheries, to make an appropriation therefor,'" approved April nineteenth, eighteen hundred and seventy-five; and act number three [3] of the session laws of eighteen hundred

and eighty-two, entitled "An act to incorporate the board of State Fish Commissioners," approved March ninth, eighteen hundred and eighty-two, be and the same are hereby repealed.

AN ACT making appropriations for the board of fish commissioners for the year eighteen hundred and eighty-three and the year eighteen hundred and eighty-four.

[Act No. 141, Public Acts of 1883, p. 147.]

SECTION 1. Obsolete.

SEC. 2. Obsolete.

SEC. 3. Obsolete.

(120.) — SEC. 4. All persons having a residence in this State, engaged in fishing as a business for the whole or any portion of the year, in any of the great lakes or Detroit river, shall, on or before the twenty-fifth day of November of each year, report to the superintendent of fisheries, at Detroit, the amount in pounds of all the food-fish caught by them during the year, together with the average price received per pound. Any person neglecting or refusing to make the report provided for in this section shall, upon conviction thereof, pay a fine of ten dollars and costs of suit, to be recovered by the superintendent of fisheries or any one of the fish commission, in an action before any justice of the peace in the State of Michigan.¹

This act is ordered to take immediate effect.

¹ In view of the title of this act and the provisions of this section, see Art. iv, sec. 20, constitution of Michigan.

GENERAL

GAME LAWS.

AN ACT for the protection of game.¹

[Act No. 276, Laws of 1889, as amended by Act No. 152, Laws of 1891.]

(121.) SECTION 1. *The People of the State of Michigan enact*, No person or persons shall pursue, hunt or kill any deer in this State save only from the fifth day of November² to the twenty-fifth day of November in each year: *Provided*, That in the Upper Peninsula deer may be killed between the twenty-fifth day of September and the twenty-fifth day of October² [only] in each year.

(122.) SEC. 2. No person or persons shall pursue, hunt, or kill at any time, any deer when it is in its red coat, or any fawn when it is in its spotted coat, or have in his possession the skin of such deer or fawn in the red or spotted coat, and the having in his possession the skin of such deer or fawn shall be *prima facie* evidence of such illegal killing.

(123.) SEC. 3. No person or persons shall at any time kill or capture any deer in the waters of any of the streams, ponds, or lakes within the jurisdiction of this State.

(124.) SEC. 4. No person or persons shall kill or capture any deer by means of any pit, pitfall or trap.

(125.) SEC. 5. No person shall make use of any artificial light in hunting deer.

(126.) SEC. 6. No person or persons shall make use of a dog in hunting, pursuing or killing a deer within the boundaries of this State.

(127.) SEC. 7. Any dog pursuing or killing a deer, or following upon the track of a deer, is hereby

¹ Under the decision in *People vs. O'Neil*, 39 N. W. Rep., 1 (Mich.) the title to this act is sufficient.

² See (173.)

declared a public nuisance, and may be killed by any person when so seen, and the owner of such dog shall have no recourse at law against the person so killing such dog.

(128.) SEC. 8. No person or persons shall kill or destroy, by any means whatever, or attempt to kill or destroy, any wild turkey at any time except from the first day of November to the fifteenth day of December, inclusive, in each year.

(129.) SEC. 9. No person or persons shall kill or destroy, or attempt to kill or destroy, any woodcock save only from the fifteenth day of August¹ to the fifteenth day of December in each year.

(130.) SEC. 10. No person or persons shall kill or destroy, by any means whatever, any wild duck, wild goose,² or other wild water fowl or snipe, save only from the first day of September¹ in each year to the first day of January in the year following: *Provided, however,* That it shall be lawful to hunt and kill jack-snipe, red-headed, blue-bill, canvas-back, widgeon [and] pintail ducks and wild geese, between the first day of September¹ in each year and the first day of May next following.

(131.) SEC. 11. The taking, carrying, or sending by any means whatever into or through any county of this State any of the game or animals which have been killed or captured contrary to the provisions of this act, or the hide of such animals, shall be illegal, and is declared to be an offense against the provisions of this act, in any county in or through which such game, animals or hides may be taken.

(132.) SEC. 12. No person or persons shall kill, capture or destroy, or attempt to kill, capture or destroy, any ruffed grouse, sometimes called partridge, or pheasant, except from the first day of November to the fifteenth day of December, inclusive in each year; or any colin or quail, sometimes called Virginia partridge, save only from the first day of November to the fifteenth day of December, inclusive, in each year: *Provided,* That in the Upper Peninsula, partridge, or ruffed grouse, may be killed from the first day of

¹ See (178.)

² The words "wild goose" were evidently left in this clause by mistake, as the proviso in this section is contrary. The proviso will govern.

October to the first day of January, inclusive, in each year.

(133.) SEC. 13. No person shall kill or attempt to kill any pinnated grouse or prairie chicken until the first day of September, 1894, and thereafter only in the months of September and October in each year.

(134.) SEC. 14. No person or persons shall at any time take or capture, or attempt to take or capture, any turkeys, partridge, prairie chicken, pigeon, wild duck, wild goose or quail by means of nets, snares, pits, pit-falls or cages : *Provided*, That it shall be lawful to trap quail and take them alive for the purpose of keeping them alive through the winter, and for no other purpose whatever. Said quail are not to be transported to other places, but must be again liberated in the same place where they were caught, when the weather is suitable in spring.

(135.) SEC. 15. No person or persons shall at any time make use of any swivel or punt gun, sink boat, or battery for the purpose of killing or attempting to kill, any wild duck or other wild water fowl, nor shall any person or persons molest, harass or annoy, any game bird during the closed season by any means whatever, nor shall any person or persons break, train or practice, any dog upon any game birds during the closed season.

(136.) SEC. 16. No person shall, at any time, in any manner, rob, or destroy, or injure the nest of any wild duck or other wild fowl, nor in any manner kill or molest the same at night or at any other time on their nesting places.

(137.) SEC. 17. No person or persons shall sell or expose for sale, or have in his possession for the purpose of selling or exposing for sale, any of the kinds or species of birds or animals protected by this act after the expiration of eight days next succeeding the times limited and prescribed for the killing of any such birds or animals:¹ *Provided, however*, That it shall be lawful to expose for sale and to sell any live quail for the purpose of preserving the same alive through the winter. And it shall also be lawful for any person to take alive, on his own premises, at any time and in any manner, any

¹ This section does not reach the case of game killed in another State and brought into this State for sale, but the burden of proving that the game was killed in another State is upon the defendant : *People vs. O'Neil*, 39 N. W. Rep., 1 (Mich.), but this defect has been remedied by Act No. 196 of 1893 ; See (155.)

wood duck, teal tuck, or mallard duck, or wild turkey, for the sole purpose of domestication or for scientific or breeding purposes, and possession and transportation alive of such wild fowl, so taken on one's own premises, may be had for any such purpose: *Provided*, That in any prosecution for violation of any of the provisions of this act, the person claiming the benefit of this section shall prove on the hearing or trial that in good faith he so took alive such wild fowl or fowls for one of the purposes specified in this section, and if prosecuted for transporting them, that he is in good faith transporting them alive for such purpose, and it shall not be necessary for the prosecution to aver or prove that the taking alive of any such wild fowl or fowls was not done for domestication or for scientific or for breeding purposes.

(138.) SEC. 18. Any person or persons violating any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and shall likewise be liable to a penalty of fifty dollars for each offense, and shall, on conviction thereof, stand committed to the common jail of the county until such penalty is paid: *Provided*, That such imprisonment shall not exceed thirty days.

(139.) SEC. 19. Any person who shall at any time, within this State, kill any robin, nighthawk, whippoorwill, finch, thrush, lark, swallow, yellow bird, blue bird, brown thrasher, wren, martin, oriole, woodpecker, bobolink or any song bird, or rob the nests of such birds shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined five dollars for each bird so killed, and for each nest so robbed, or confined in the county jail for ten days, or both such fine and imprisonment, in the discretion of the court.

(140.) SEC. 20. That any railroad, express company, or other common carriers, or any of their agents or servants or other persons having any of the above named birds or animals in their possession for transportation, or shall transport the same after the expiration of five days next succeeding the time limited and prescribed for the killing of such birds and animals, shall be punished by a fine not less than ten dollars nor more than one hundred dollars: *Provided*, That no such penalty shall apply to the transportation of live quail which are to be kept alive throughout the winter, or to the trans-

portation of such birds or animals in transit through the State from other states where it is lawful to kill such birds or animals at the time of such transportation.

(141.) SEC. 21. No person or persons shall use any gun or guns, or fire-arms to maim, kill or destroy any wild pigeon or pigeons, at or within five miles of the place or places where they are gathered in bodies for the purpose of brooding their young, known as pigeon-nestings; and no person or persons shall use any gun or guns, or fire-arms, to maim, kill or destroy, any wild pigeon or pigeons within their roostings, anywhere within the limits of this State; and no person or persons shall, with trap, snare or net, or in any other manner, take or attempt to take, kill or destroy, or attempt to kill or destroy, any wild pigeon or pigeons, at or within two miles of such nesting place at any time from the beginning of the nesting until after the last hatching of such nesting, anywhere within the limits of this State; and every person offending against the provisions of this section, or any part thereof, shall be subject to a penalty of fifty dollars with costs of suit.

(142.) SEC. 22. A prosecution may be brought by any person in the name of the people of the State of Michigan, against any person or persons violating any of the provisions of this act, before any justice of the peace of the county in which such violation is alleged to have taken place, or before any court of competent jurisdiction; and it is made the duty of all prosecuting attorneys in this State to see that the provisions of this act are enforced in their respective counties, and they shall prosecute all offenders, on receiving information of the violation of any of the provisions of this act; and it is made the duty of sheriffs, under sheriffs, deputy sheriffs, constables and police officers, to inform against and prosecute all persons whom there is probable cause to believe are guilty of violating any of the provisions of this act.

(143.) SEC. 23. The State Game and Fish Warden is hereby authorized to issue permits for the hunting and killing [of] any kind of bird out of season, said bird being sought exclusively as specimens for scientific purposes.

(144.) SEC. 24. All prosecutions under the provisions of this act shall be commenced within one year from the time such offense was committed.

(145.) SEC. 25. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved July 6, 1889.

AN ACT providing for the protection of Antwerp or homing pigeons.

[Act No. 105, Laws of 1893.]

(146.) SECTION 1. *The People of the State of Michigan enact*, That on and after the passage of this act it shall be unlawful for any person or persons to willfully shoot, maim or kill any Antwerp or homing pigeon, either in flight or at rest, and any person guilty of willfully killing, shooting or maiming such pigeon or pigeon as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall for every such offense pay a fine of not less than ten nor more than twenty-five dollars, or be punished by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court.

(147.) SEC. 2. That it shall be unlawful for any person or persons to detain or entrap any Antwerp or homing pigeon: *Provided, however*, That such Antwerp or homing pigeon shall have the name of its owner stamped on its wing or tail or which may be identified by any device or mark, and any person or persons so detaining such pigeon or pigeons shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace or other court of competent jurisdiction shall for every offense pay a fine of not less than ten or more than twenty-five dollars, or be punished by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment at the discretion of the court.

This act is ordered to take effect June first, eighteen hundred and ninety-three.

Approved May 24, 1893.

AN ACT to prevent the killing, hunting or molesting in any way of Mongolian and English [pheasants] pheasant for a period of five years, and to regulate the time for hunting and for selling or offering for sale the same after that period.

[Act No. 24, Laws of 1893.]

(148.) SECTION 1. *The People of the State of Michigan enact*, That no person or persons shall pursue, hunt, kill, or attempt to kill or molest in any way whatever any Mongolian and English pheasants until the first day of November, eighteen hundred and ninety-eight, and then only from the first day of November to the fifteenth day of December, inclusive, in each year.

(159.) SEC. 2. No person, firm or corporation shall for a period of ten years from and after the passage of this act sell, or attempt to sell, or expose for sale, or ship or transport out of this State, or attempt to ship or transport outside of this State, or have in possession for the purpose of shipping or transporting outside of this State any Mongolian and English pheasant.

(150.) SEC. 3. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than fifty dollars, together with the costs of prosecution, and in default of the payment of the same shall be imprisoned in the county jail for a period not exceeding thirty days, or both such fine and imprisonment in the discretion of the court.

Approved March 30, 1893.

AN ACT to regulate the possession, use, transportation and sale of fish and game.

[Act 196, Laws of 1893.]

(151.) SECTION 1. *The People of the State of Michigan enact*, That no person shall at any time or in any manner acquire any property in, or subject to his dominion or control, any of the birds, game or fish, the killing, taking, or having in possession of which is at any time or at all times prohibited by any of the laws of this State, but they shall always and under all circumstances

and conditions be and remain the sole property of the State.¹ By killing, catching or taking the same, however, in the manner and for the purposes authorized by law, and during the periods when their killing is not prohibited by law, the same may be used at the time, in the manner, and for the purposes expressly authorized by law, but not otherwise.

(152.) SEC. 2. No person, company or corporation shall at any time catch, take or kill, or have in possession of, or under control, any of the birds, game or fish of this State, the killing of which is at any time, or at all times, prohibited by law, with intent to ship the same beyond the limits of this State, or with intent to allow or aid in their shipment out of this State, or shall ship or intentionally allow or aid in their shipment out of this State.² *Provided, however,* That fish taken or caught in Lakes Michigan, Superior, Huron and Erie, and the bays and harbors connected with said lakes, and the Sault Ste. Marie, St. Clair, Saginaw and Detroit rivers, may be sold, transported, and shipped out of this State.

(153.) SEC. 3. No person shall at any time have in possession or under control any bird, game or fish caught, taken or killed outside of this State, which was caught, taken or killed at a time, in a manner or for a purpose forbidden by the laws of the State, territory or country where the same was caught, taken or killed, or which was shipped out of said State, territory or country in violation of the laws thereof.

(154.) SEC. 4. The possession or having under control of any kind of bird, game or fish, the killing of which is at any time or all times prohibited by the laws of this State, shall be *prima facie* evidence that it was killed in this State, to disprove which it shall be necessary to show by the testimony of the party who

¹ "The ownership of wild animals, wild fowl and birds is in the people of the State in trust for all its citizens, and no one has a property right in them to be affected."—Wagner vs. People, 87 Ill. 320. "The Legislature has the right * * * to restrict the property acquired in them when caught, to such extent as it deems proper."—Organ vs. State (Ark.) 19 S. W. Rep. 840, May 28, '92. Am. Exp. Co. vs. People, 24 N. E. Rep. 758.

² Not a violation of commerce clause of U. S. constitution. "When preserved for the common benefit of the people of the State, they are not articles of commerce in any sense."—Organ v. State, 19 S. W., Rep. 840. "The birds in question never become articles of commerce within the meaning of the term contended for by the defendant."—State v. Geer (Conn.) 22 Atl., Rep. 1012; State v. Randolph (Mo.), 3 Cent., Law J. 187.

actually caught, took or killed the same, that it was killed outside of this State. Whenever it shall appear that any bird, game or fish of a kind the killing of which is at any time or at all times prohibited by the laws of this State, was caught, taken or killed outside of this State, it shall be *prima facie* evidence that such bird, game or fish was caught, taken or killed at a time, in a manner and for a purpose prohibited by the laws of the State, territory or country where it was caught, taken or killed, and was shipped out of said State, territory or country in violation of the laws thereof, to disprove which it shall be necessary to show by direct and positive evidence that it was killed at a time, in a manner and for a purpose permitted by the law of the State, territory or country where it was killed, and that its shipment out of said State, territory or country was not forbidden by the law thereof.

(155.) SEC. 5. No person, company or corporation shall sell, or attempt to sell, or expose for sale, or have in possession or under control, for the purpose of selling or exposing for sale, any kind of bird, game or fish at any time when the taking, catching or killing of such kind of birds, game or fish is prohibited by the laws of this State: *Provided, however,* That nothing in this act shall prevent the taking or catching alive of birds, game or fish for domestication or propagation or breeding purposes.

(156.) SEC. 6. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars and not more than fifty dollars, and the costs of prosecution, and in default of payment thereof shall be confined in the county jail until such fine and costs shall be paid; but such confinement shall not exceed thirty days.

(157.) SEC. 7. All prosecution under the provisions of this act shall be commenced within one year from the time such offense was committed.

Approved June 1, 1893.

1. "The game laws would be nugatory if during the prohibitory season game could be imported from neighboring states." *State v. Randolph*, (Mo.) 3 Cent. Law, s. 187; "A law which renders all sales and all possession unlawful, will more certainly prevent any possession or any sale of the game within the State, than will a law allowing possession or sales here of the game taken in other states."
* * * The State is not bound to furnish a market for game." *Magner v. The People*, 97 Ill., 320.

AN ACT to prevent hunting for game with fire-arms, dogs or otherwise, on any inclosed lands or premises of another in this State without the consent of the owner or lessee of such lands or premises.

[Act No. 199, Public Acts of 1877, p. 241.]

(158.) §2221. SECTION 1. *The People of the State of Michigan enact*, That it shall be unlawful for any person or persons to hunt for game with fire-arms, dogs, or otherwise on any inclosed lands or premises of another in any county in this State without the consent of the owner or lessee of such lands or premises.¹

(159.) §2222. SEC. 2. Any person or persons violating the provisions of the foregoing section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay a fine not less than five nor more than twenty dollars, in the discretion of the court, and costs of prosecution. And in case the fine imposed and costs of prosecution shall not be paid, the defendant shall be confined in the county jail of the county not less than five nor more than thirty days: *Provided, however*, That no complaint shall be made or entertained against any person for the violation of any of the provisions of this act unless the same shall be made by the owner or lessee of the land or premises so trespassed against [upon].

¹ "The owner of the fee of the land, whether it be upland or covered with water, has the exclusive right of fowling upon his own land."--*Sterling vs. Jackson*, 69 Mich., p. 488.

LOCAL GAME LAWS.

AN ACT to prohibit the hunting, capturing, worrying, wounding and killing of deer in the counties of Lapeer, Huron, Sanilac, Tuscola, Macomb and St. Clair, for the period of ten years, and to provide a penalty for the violation thereof.

[Act No. 97, Laws of 1893.]

(160.) SECTION 1. *The People of the State of Michigan enact*, That no person or persons shall hunt, capture, worry, wound or kill, or attempt to hunt, capture, worry, wound or kill, any deer in the counties of Lapeer, Huron, Sanilac, Tuscola, Macomb and St. Clair until after the first day of January, A. D., nineteen hundred and three, and then only during such period as the general game law of this State may permit.

(161.) SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars and costs of prosecution, or thirty days imprisonment in the county jail, or by both such fine and imprisonment, in the discretion of the court.

(162.) This act is ordered to take immediate effect.

Approved May 24, 1893.

AN ACT to preserve deer and elk on the island of Bois Blanc in the State of Michigan.

[Act No. 65, Laws of 1899.]

(163.) SECTION 1. *The People of the State of Michigan enact*, That no person or persons shall pursue or hunt or kill, by any means whatsoever, any elk or deer on the island of Bois Blanc, in Lake Huron, until the first day of November, A. D. 1899.

(164.) SEC. 2. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail not more than ninety days or by a fine not exceeding two hundred dollars, or both such imprisonment and fine in the discretion of the court.

SEC. 3. All acts and parts of acts, inconsistent herewith are hereby repealed.

AN ACT to set apart certain swamp lands in Wild Fowl bay in township sixteen north, range nine east, in the county of Huron in this State, for public shooting grounds.

[Act No. 66, Laws of 1891.]

(165.) SECTION 1. *The People of the State of Michigan enact*, That all of the lands belonging to the State of Michigan and being in township sixteen north, range nine east, in Wild Fowl bay, in the county of Huron, in this State, commonly known as the "middle ground," lying between [Maisou] Maison island, in Saginaw bay, and the main land, shall be and is hereby set apart and dedicated for a public shooting or hunting ground for the benefit and enjoyment of the people of this State.

(166.) SEC. 2. All persons who now have or shall hereafter locate upon or occupy any part of such lands except as herein provided shall be considered trespassers and may be prosecuted as trespassers upon the public lands in the manner now provided by law.

(167.) SEC. 3. It shall be lawful for any and all persons to go upon any parts of said lands at any and all times permitted by the game laws of this State for the purpose of hunting or shooting wild fowl or game thereon; but no person or persons shall hunt or shoot wild fowl or game on said lands or any part thereof at any season or time or manner not permitted by the game laws of this State, and any person violating any game laws of this State by hunting wild fowl or game on any of said lands shall be punished as provided by law.

(168.) SEC. 4. Said public shooting grounds shall be under the control of the commissioner of the land office of this State and it shall be his duty to make such rules

and regulations as he may deem necessary or proper for the management and regulation of the same and to see that the same are obeyed, and he shall furnish to any and all persons, on request, copies of such rules and regulations.

Ordered to take immediate effect.

Approved May 8, 1891.

AN ACT to prevent the killing of deer in the counties of Allegan and Van Buren for a period of three years.

[Act No. 40, Laws of 1891.]

(169.) SECTION 1. *The People of the State of Michigan enact*, That any person or persons who shall kill any deer within the counties of Allegan or Van Buren for a period of three years shall be punished as provided by section two of this act.

(170.) SEC. 2. Any person or persons who shall kill any deer within the counties of Allegan and Van Buren for a period of three years shall, upon conviction thereof, be punished by a fine of twenty-five dollars and costs, or thirty days imprisonment in the county jail, or by both such fine and imprisonment at the discretion of the court.

Approved April 23, 1891.

APPENDIX.

ACTS SUPERSEDED AND REPEALED, IMPORTANT CHANGES, LEGAL CONSTRUCTIONS, EXPLANATIONS, ETC.

(171.) In this compilation, the local fish laws prohibiting fishing in certain inland lakes in any manner except with hook and line, which acts were superseded by the general law of 1891 (compiler's section 30) are omitted. Included in them are Act No. 35, of 1891, relating to certain lakes in Cass, Van Buren, Berrien and Calhoun ; Act No. 382, of 1879, relating to Goguac Lake ; Act No. 329, of 1885, relating to Gun Lake, and Act No. 76, of 1887, relating to Pine Lake. Acts No. 450, of 1871, and 318, of 1877, amended by Act No. 2, of 1891, is also superseded, the only section in force having been repealed by Act No. 30, laws of 1893. Local act No. 287, of 1885, has never been included in the compilation of fish and game laws. It really should be, as it has never been repealed, and it forbids all fishing with any kind of net whatever in Black river and Black lake, Ottawa county, and streams tributary to said lake, and also in Kalamazoo river and Kalamazoo lake.

—(172.) It will be noticed that the only general game and fish laws passed by the legislature of 1893 were the acts enlarging the powers and duties of the Game and Fish Warden, (2), (3), and (7), regulating the possession, use, transportation and sale of fish and game, (151) to (157), and protecting Mongolian and English pheasants, (148) to (150), and Anthwerp or homing pigeons (146) and (147). The first mentioned is a most important change. It makes it much more dangerous to violate the fish and game laws, and by making punishment

more certain will deter men from violations, and thus better preserve the equal rights of all citizens. Some of the powers given to game and fish wardens, particularly the right to arrest without warrant and of forcible search and seizure, are extraordinary powers, and if abused might be a source of great annoyance to law-abiding citizens. They are intended, however, to be used only in case of a certainty of a violation of law, in cases where the exercise of such authority is necessary to its enforcement. All who respect the law themselves are expected to assist the wardens in their onerous and unpleasant duties by yielding cheerful compliance with any reasonable request; but any innocent persons who are subject to any unnecessary or unwarranted annoyances on the part of over-zealous subordinates, should report the circumstances to the State Game and Fish Warden. The act regulating the use, possession, transportation and sale of fish and game is another very important change. It corrects the mistake made by the legislature of 1889, in unintentionally repealing the law prohibiting shipment of game outside of the State. It is also intended to prevent the sale of all kinds of protected game during the close season, and as the objections upon which the O'Neil case was decided do not apply to this act, it is believed that the courts will sustain it in this State, as they have in several others.

(173.) It is unfortunate that the wording of the various acts fixing open and close seasons is not uniform, as misunderstanding is sure to arise from the different language used. When the word, "inclusive" is used, both the first and the last day mentioned are included in the open or closed season thereby established. When the word "between" is used, both the first and last day mentioned are excluded from the open or closed season; for instance (121) in the upper peninsula deer should not be killed September twenty-fifth nor on October twenty-fifth. The words "to," "till" or "until," when used in this connection, are inclusive, and the day referred to is included in the open or closed season which the law establishes;¹ for instance (129) woodcock may be killed December fifteenth. But the word "from" is a term of exclusion, and unless the

¹ Sutherland on Statutory Construction, 137. Thomas vs. Douglass, 2 John, Cases 225.

word "inclusive" is also used, the word "from" excludes the day mentioned from the season which is thereby fixed;¹ for instance (121) deer should not be killed November fifth, the open season in the lower peninsula being "from the fifth day of November," etc., while speckled trout may be taken on the first day of September, the closed season being "from the first day of September," etc. This has not been the construction in the past, although it is evidently the law, and is sustained by the official opinion of the Attorney General. But when the intent of the lawmakers is plain, the present game warden, having called the matter to the attention of the last legislature, and no changes having been made, has decided not to prosecute for a violation of the letter of the law, where the general meaning of the law is complied with. In other words if there is any prosecution for catching trout May 1st, or killing ducks September 1st, or deer November 5th, it will not be by order of the State Game Warden or his assistants.

(174.) Considerable doubt has been expressed as to whether navigable lakes, such as Black lake, Ottawa county, Muskegon lake, Muskegon county, and Pine lake, Charlevoix county, connecting with the great lakes, come under the law governing inland lakes, or are subject to the laws regulating fishing in the great lakes. There is no question but that they are inland lakes, within the meaning of the law,² and the fact that they are subject to the maritime jurisdiction of the United States does not preclude the State from regulating the manner of fishing in such waters, nor officers from enforcing such laws.

(175.) There has been some question as to how far up the mouths of navigable rivers nets may be used under section (12) relative to harbors. In some places the rule has been to consider any portion within the city or village corporation as being in the "harbor," the reason given being the "harbor-master's" authority. This is clearly wrong, as it is held in *People vs. Kirsh*, 67 Mich., p. 539, that cities and villages cannot establish the limits of the "harbor," but that the word must be construed in its ordinary sense; and the court seems to hold that only so much of a river as it is customary for vessels to sail up,

¹ Sutherland on Statutory Construction, 137. *Peable vs. Hanford*, 18 Maine, 106. *Bemis vs. Leonard*, 118 Mass., 502.

² *Rice vs. Ruddiman*, 10 Mich., 125.

without towing, can be considered a "harbor," in the meaning of the law. It will be well to be conservative in cases of this kind, however, and abuses of the harbor privileges may be prevented under section (41), providing that the main channel, and at least one-third of the whole breadth of the river, must be left unobstructed, unless the courts should hold that section invalid because not covered by the title of the act.

(176.) The proviso in section (24) allowing smaller mesh pound nets, and in section (25) allowing smaller mesh gill nets, makes the enforcement of the law relating to fishing in the great lakes, a difficult and delicate matter. It is probable that the taking in a small mesh net of a single fish, other than those expressly mentioned, would subject the owner or user of the net to the penalty of the law; and where there is any attempt to take advantage of the proviso to evade the spirit of the law, it should be enforced to the letter. But where there is plainly no intention of violating the law it would not be just to punish fishermen if a stray fish happened to be taken in a net that was intended to be used strictly in accordance with the law. Fishermen should understand, however, that they are running a risk of prosecution in such cases, and should be careful to avoid all doubt as to their intentions. It is greatly to be regretted that the bill correcting numerous defects in the general fish law, particularly in regard to the fouling of fishing waters and regulating the size of fish caught or sold, failed to become a law. The rapid depletion of the fish in the great lakes demands that something be done to check the reckless destruction of one of the greatest resources of our State.

(177.) The game and fish laws are not for the benefit of individuals, but for the whole people. They are designed to restrict within proper limits the destruction of birds, beasts and fish, so that they may continue to be an important source of food supply, and at the same time afford enjoyment for lovers of the rod and gun. Any person who takes game or fish out of season deprives law-abiding citizens of their rights. In order that all may have an equal chance, the law must be strictly observed, and it is the duty of all citizens to promptly report all violations that come to their notice.

CHARLES S. HAMPTON,
State Game and Fish Warden.

Petooskey, Mich., August 1, 1893.

INDEX.

The references are to the compiler's sections. For local acts look under the name of the county, lake, stream, etc.

ALLEGAN COUNTY:	Compiler's section.
killing of deer prohibited.....	169
local act as to lakes in.....	171
local act as to Gun lake in.....	171
ALPENA COUNTY:	
local act as to lakes in.....	63
ANTWERP PIGEONS:	
protection of.....	146
ARTIFICIAL LIGHT:	
not to be used in taking fish in inland lakes.....	30
not to be used in hunting deer.....	125
BASS:	
can be caught only by hook and line.....	8-13
in Walloon or Bear Lake.....	99
BAD RIVER, GRATIOT AND SAGINAW COUNTIES:	
local act as to.....	87
BARRY COUNTY:	
local act.....	171
BLACK RIVER:	
local act.....	105
BEAR LAKE:	
local act.....	99
BERRIEN COUNTY:	
local act as to lakes in.....	171
exception as to St. Joseph river.....	12
BIRDS:	
(See song birds and game birds.)	
BLACK RIVER AND LAKE:	
local act of 1885.....	171

INDEX.

63

BOARD OF SUPERVISORS:	Compiler's section.
may grant license to non-resident.....	37
may order erection of fish shutes.....	45
fix compensation of county wardens.....	7
BOARD OF FISH COMMISSIONERS:	
(See State Board of Fish Commissioners.)	
BOIS BLANC ISLAND:	
special act as to deer and elk on	163
BRANCH COUNTY:	
local act.....	82
BROOK TROUT:	
(See trout.)	
BRUSH LAKE:	
local act governing.....	69
BUYING AND SELLING:	
of fish during close season prohibited.....	9
selling of trout and grayling unlawful.....	16
CABLE LAKE:	
local act.....	171
CALHOUN COUNTY:	
local acts.....	171
CALIFORNIA TROUT:	
(See trout.)	
CAPTURE:	
of quail alive for certain purposes permitted.....	134
of certain birds alive for certain purposes permitted.....	137
of birds, animals and fish must be restricted to open sea-	
sons and to the manner prescribed by law.....	150
of fish for propagation.....	8
CASS COUNTY.	
local act.....	85, 171
CHARLEVOIX COUNTY:	
local act.....	99
CLAM LAKE:	
exception.....	30
CLINTON RIVER:	
fish shutes in.....	105
COLIN:	
(See quail.)	
COCKLE:	
(See Indian cockle.)	
DAMS:	
supervisors inspectors of, and wardens have no authority..	45
DEER:	
close seasons for.....	121
must not be killed when in red-coat, etc.....	122
" " " " in water.....	123

DEER—Continued:	Compiler's section.
nor by pit or trap.....	124
“ “ use of artificial light.....	125
“ “ “ “ dog.....	126
not to be transported beyond State.....	152
on Bois Blanc island.....	163
in Allegan county.....	169
in Van Buren county.....	169
in Lapeer, Huron, Sanilac, Tuscola, Macomb and St. Clair counties.....	160
DEPUTY WARDENS:	
appointed by Warden.....	7
same powers as Warden.....	7
subject to supervision of Warden.....	7
compensation of.....	7
DETROIT RIVER:	
provision against using certain nets in.....	49
limitation on length of sweep nets in.....	59-51
provision as to the bridges over, piers, etc.....	52
whitefish not to be caught in, when.....	53
diverting running of whitefish in.....	54
hooks and spears lawful in.....	57
DEVIL'S LAKE:	
local act as to.....	89
DEW LAKE.....	171
DIAMOND LAKE:	
local act governing.....	85
DIP NETS:	
may be used in catching suckers, etc., in streams.....	11-12
DOGS:	
must not be used in hunting deer.....	126
may be shot if found pursuing deer.....	127
must not be trained or practiced upon game birds during the closed season.....	135
DONNELL'S LAKE:	
local acts governing.....	171
DRAG NETS:	
use of not permitted.....	27
DUCKS; (See wild ducks.)	
certain kinds may be killed when.....	130
“ “ “ “ taken for domestication, etc.....	137
DYNAMITE:	
use in catching fish prohibited.....	10
EAGLE LAKE:	
local act governing.....	171
ELK:	
on Bois Blanc island, special act.....	163
ENGLISH PHEASANTS:	
not to be killed.....	148

INDEX.

65

EXPLOSIVES:	Compiler's section.
use of in killing fish prohibited.....	10, 30
FIRE-ARMS:	
use of in killing fish prohibited.....	30
FILTH OF ANY DESCRIPTION:	
deposit of in waters unlawful.....	35
from catching and curing fish, disposal of.....	36
FISH:	
general law pertaining thereto.....	8-22
may be taken only with hook and line in inland lakes.....	30
general law as to taking with nets in great lakes.....	24-28
passage of not to be obstructed.....	20, 38, 41, 54
possession of, when evidence of violation.....	23
amount caught to be reported.....	120
certain kinds may be taken in streams in dip nets.....	11, 12
must not be taken in nets near fish shutes.....	19
certain kinds may be speared in streams.....	11
certain kinds may be taken only with hook and line.....	8, 13
unlawful means of destroying.....	10, 30
taking or shipping for sale of certain kinds.....	16, 82
for propagation, fish commissioners may give permits to take.....	8
under six inches, certain kinds not to be taken.....	14
certain kinds not to be taken where not native, etc.....	15
in private waters.....	17
small fry, minnows, etc., may only be taken for bait.....	19, 103
putrid fish, offal and filth not to be put in water.....	35, 36, 38
property rights in, etc.....	151
sale, etc., in closed season.....	155
FISHERMEN:	
shall make reports, when.....	120
FISH COMMISSIONERS:	
(See State Board of Fish Commissioners.)	
FISH AND GAME WARDEN:	
(See Warden.)	
FISH LADDERS:	
(See fish shutes.)	
FISH PLANTING:	
gives public certain rights in certain waters.....	33
FISH SHUTES:	
must be erected in each dam.....	40, 43
such as are prescribed by fish commissioners.....	40, 43
must be maintained and kept in repair.....	43
draft and specifications to be filed with town clerks.....	44
supervisor is inspector of dams.....	45
erection of, may be ordered by supervisors.....	45
in Muskegon, Black and Clinton rivers.....	105
FISH WEIR:	
(See weir dam.)	

FISK'S LAKE:	Compiler's section.
local act governing.....	92
FOUR MILE LAKE:	
local act governing.....	171
GAME:	
(See particular kinds.)	
general game laws.....	121-145
property rights in game and fish.....	151
killed outside of State.....	153-154
GAME AND FISH WARDEN:	
(See Warden.)	
GAME BIRDS:	
must not be molested or annoyed during closed season....	135
GERMAN TROUT:	
(See trout.)	
GEESE:	
(See wild geese.)	
GILL NETS:	
use of in inland waters prohibited.....	12
size of meshes required by law.....	25
" " for catching perch, etc.....	25
unlawful in Les Cheneaux channels.....	68
GOGUAC LAKE:	
local act governing.....	171
GRAP-HOOK:	
must not be used in inland lakes.....	30
GRATIOT COUNTY:	
local act as to Bad river in.....	87
GRAYLING:	
open season May 1 to September 1.....	8
may be caught only by hook and line.....	13
provision as to size less than six inches.....	14
if not native to stream, catching unlawful three years.....	15
catching for purposes of sale or shipment unlawful.....	16
GREAT LAKES:	
exempted from spearing law.....	11
" " netting law.....	12
" " hook and line law.....	13
GUN LAKE:	
local act governing.....	171
HARBORS:	
what constitutes.....	175
HINDERING WARDENS:	
penalty therefor.....	7
HOMING PIGEONS:	
protection of.....	146
HURON COUNTY:	
public shooting ground in.....	165
killing deer prohibited.....	160

INDEX.

67

INDIAN COCKLE:	Compiler's section.
and other substances prohibited.....	10
INDIAN LAKE:	
local act governing.....	171
INLAND LAKES:	
general law regarding fishing in.....	30, 174
spears, grap-hooks, set-lines, jacks, explosives, fire-arms, etc., prohibited.....	30
nets, spears, jacks, set-lines, etc., <i>prima facie</i> evidence of violation.....	31
INTERFERENCE:	
with wardens, penalty for.....	7
JACKS:	
(See artificial light.)	
JACKSON COUNTY:	
local act as to Swain's lake in.....	65, 66
KALAMAZOO RIVER AND LAKE:	
local act as to fishing in.....	171
KENT COUNTY:	
local act as to two lakes in.....	92
LAKE ERIE:	
certain nets not to be extended beyond certain limit.....	48, 50
fishing from islands in, provision as to.....	48
waters connecting it with Lake Huron, provision as to.....	49
hooks and spears lawful in.....	57
LAKES, INLAND:	
(See inland lakes.)	
LAKE ST CLAIR:	
use of nets prohibited in certain part of.....	50, 12
pond nets may be used in certain portion.....	49
prohibition of other nets in.....	49
hooks and spears lawful in.....	62, 57
use of nets, etc., prohibited in certain parts of, in certain months.....	60
LAPEER COUNTY:	
local acts.....	103, 160
LEE LAKE:	
local act governing.....	171
LENAWEE COUNTY:	
local acts.....	69, 89
LES CHENEAUX CHANNELS:	
local act prohibiting use of nets in.....	68
LIGHT:	
(See artificial light.)	
LIVINGSTON COUNTY:	
local act regarding lakes in.....	171

LONG LAKE:	Compiler's section
local act governing.....	171
MACKINAC COUNTY:	
local acts.....	68, 109
MACOMB COUNTY:	
local acts.....	103, 160
MAISOU ISLAND:	
local act making it public shooting ground.....	165
MAPLE RIVER:	
local act.....	72
MAGICIAN LAKE:	
local act governing.....	171
MEANDERED WATERS:	
right of public to fish in certain cases.....	33
MESH OF NETS:	
see gill nets and pound nets.....	176
MINNOWS:	
may only be caught for bait.....	18, 103
MONGOLIAN PHEASANTS	148
MONROE COUNTY:	
local act.....	69
MUD LAKE:	
local act governing.....	171
MUSKALLONGE:	
provision as to catching.....	8
MUSKEGON COUNTY:	
local act as to.....	95
MUSKEGON RIVER:	
fish shutes in.....	105
MULLET, etc.	
may be caught with dip nets in streams.....	11, 12
NAVIGABLE WATERS:	
right of public to fish in, in certain cases.....	33
NESTS:	
of wild fowl must not be molested.....	136
song birds, etc., must not be robbed.....	139
NETS:	
use of, in inland waters prohibited.....	2, 3, 12, 24, 30
in harbors and rivers where lawful must not obstruct	
channels.....	41, 175
(See seines, pound nets, dip nets, gill nets.)	
provision as to St. Clair river.....	12
use of, near fish shutes unlawful.....	19
special act as to Muskegon county.....	95
must not be used to take birds.....	134
NEWAYGO COUNTY:	
special act regarding streams and lakes in.....	97

NIGHT LINES:	
(See set lines.)	
OAKLAND COUNTY:	
local act.....	103
OBSTRUCTING WARDENS:	
penalty therefor.....	7
OBSTRUCTING FREE PASSAGE OF FISH:	
by weir-net, etc., unlawful.....	20
piles, stakes, etc., unlawful.....	38
fishing apparatus of any kind.....	41
of whitefish, prohibited.....	54
OFFAL:	
deposit of in waters, unlawful.....	35
shall be burned or buried, where.....	36
OTTAWA COUNTY:	
local act.....	79, 171
PARTRIDGE:	
can be killed only, when.....	132
not to be caught by nets, snares, etc.....	134
PERMITS:	
State Game Warden may grant to kill birds.....	143
Fish Commissioners may grant to take fish.....	8
PITS AND PITFALLS:	
must not be used to kill or capture deer.....	124
certain birds.....	134
PHEASANT:	
may only be killed, when.....	132, 148
PINE LAKE:	
local act as to.....	171
PINNATED GROUSE:	
not to be killed until September, 1894.....	133
then only in certain months.....	133
not to be sold, etc.....	155
nor to be transported, etc.....	152
PIGEON:	
not to be caught by nets, etc.....	134
killed within five miles of nestings.....	141
nor within their roostings.....	141
two miles of nestings, when.....	141
PIGEON RIVER:	
local act.....	79
POWDER:	
use of in killing fish prohibited.....	10, 30
POUND NETS:	
use of, in inland waters, prohibited.....	12, 30
size of meshes required by law.....	24
of, for catching perch, etc.....	24
how shall be set.....	27
license to non-residents for using.....	30

POUND NETS—Continued:	Compiler's section.
lawful in certain portion of Lake St. Clair.....	49
unlawful in Les Cheneaux channels.....	68
POSSESSION:	
unlawful when.....	14
of fish and game during close season <i>prima facie</i> evidence of guilt.....	23, 154
for transportation, unlawful when.....	131, 140, 152
sale, unlawful when.....	137, 152-5
PRIVATE PONDS:	
fishing in, unlawful, unless by consent of owner.....	17
owners of, must post notices of warning.....	17
PRIVATE LANDS:	
if enclosed, consent of owner necessary to hunt.....	158
PRESQUE ISLE COUNTY:	
local act as to lakes in.....	63
PRAIRIE CHICKEN: (See Pinnated Grouse.)	
not to be caught by nets, snares, etc.....	334
PROSECUTING ATTORNEYS:	
duty to enforce game law.....	142
aid in enforcing fish shute law.....	45
PUBLIC:	
have certain rights where fish have been planted.....	33
PUBLIC SHOOTING GROUNDS:	
certain territory in Saginaw Bay set apart for such purpose	165
PUGSLEY'S LAKE:	
local act governing.....	99
QUAIL:	
may be killed only when.....	132
not to be caught by nets, etc.....	134
may be trapped to keep alive over winter....	134
must be liberated in the spring.....	134
may be sold for purposes of, what.....	137
not to be sold, etc.....	137
live, excepted from transportation law.....	140
not to be transported out of State.....	152
RAISIN RIVER:	
local act.....	69
REED'S LAKE:	
local act as to.....	92
REPORTS:	
to be made by fishermen.....	120
ROUND LAKE:	
Lenawee county, local act governing.....	89
Van Buren county, local act governing.....	171
RUFFED GROUSE:	
can be killed only when.....	132
not to be transported out of State.....	152

INDEX.

71

SAGINAW COUNTY:	Compiler's section.
local act as to rivers.....	87, 101
SAGINAW BAY:	
local acts.....	101, 165
ST. CLAIR COUNTY:	
local acts.....	103, 160
ST. CLAIR RIVER:	
provisions as to fishing in certain portion of.....	12
limitation on use of nets in.....	50
length of sweep nets in.....	51, 59
obstruction of free passage of fish in.....	52
catching of whitefish in, unlawful when.....	53
diverting running of whitefish in.....	54
ST. CLAIR FLATS:	
provision as to fishing in.....	12
ST. JOSEPH COUNTY:	
special act regarding streams and lakes in.....	76, 82
ST. JOSEPH RIVER:	
special provision regarding fishing with nets in certain portions of.....	12
SALE:	
of game, when unlawful.....	137, 152-5
fish, when unlawful.....	9, 16, 152-5
SALMON, LAND-LOCKED:	
open season May 1 to September 1.....	8
may be caught only by hook and line.....	13
provision as to size less than six inches.....	14
SANILAC COUNTY:	
local act.....	160
SAW DUST:	
deposit of, unlawful wher.....	38
SECRETARY OF STATE:	
shall transmit Warden's report to Legislature.....	6
SEINES:	
use of, in inland waters, prohibited.....	12, 30
near fish shute, unlawful.....	19
size of meshes required by law.....	26
must be fastened to shore or dock.....	27
drifting or towing of prohibited.....	27
provision as to right of owner of land fronting waters.....	38
use of, under ice, prohibited in certain waters.....	49
in Les Cheneaux channels unlawful.....	68
SET LINES: (or night lines.)	
must not be used in inland lakes.....	30
SHUTES:	
(See fish shutes.)	
SNARES:	
must not be used to take birds.....	134
SNIPE:	
may be killed only, when.....	130

SONG BIRDS:	Compiler's section.
killing of unlawful.....	139
robbing nests of, unlawful.....	139
permits to kill, who may grant.....	143
SOUTH MANISTIQUE LAKE:	
local act.....	109
SPECIAL ACTS:	
excepted from repealing clause.....	22, 32
SPEARING:	
prohibited entirely in inland lakes.....	30
of certain fish permitted in certain streams.....	11
prohibited entirely except in great lakes....	13
SPECKLED TROUT:	
(See trout.)	
STATE BOARD OF FISH COMMISSIONERS:	
may give permits to take fish for propogation.....	8
to provide fish shute plans, etc.....	40, 43, 44
act organizing.....	113, 119
appointment, term of office, powers.....	113
duties.....	114
shall employ superintendent of fisheries.....	114
keep records.....	115
may take fish at any time.....	116
expenses of board.....	116, 117
as to joint action with other states.....	118
STATE GAME AND FISH WARDEN:	
(See Warden.)	
STONE LAKE:	
local act governing.....	171
STUPEFYING FISH:	
by the use of Indian cockle or other substances prohibited	10
SUPERINTENDENT OF FISHERIES:	
appointed by board.....	114
duties and salary.....	114
SUPERVISORS: (See Board of Supervisors.)	
made inspector of dams.....	45
duty to prosecute for violations of fish shute law.....	45
SWIVEL OR PUNT GUN:	
not to be used to kill wild fowl.....	135
SWAIN'S LAKE:	
local act as to.....	65, 66
SWEEP NETS:	
limitation on size of, in certain waters.....	51, 59
prohibited in certain parts St. Clair river, when.....	58
use of, under ice, prohibited in certain waters.....	49
TAKING ALIVE:	
(See capture.)	
TRAINING DOGS:	
upon game birds during closed season prohibited.....	135

INDEX.

73

TRAPS, CAGES, ETC.:	Compiler's section.
when must not be used.....	124, 134
TRAP NETS:	
(See nets.)	
TRESPASSING:	
in certain cases only actual damages to be collected for...	34
TROUT:	
open season May 1 to September 1.....	8
may be caught only by hook and line.....	13
provision as to size less than six inches.....	14
if not native to stream, catching unlawful three years.....	15
catching for purposes of sale or shipment, unlawful.....	16
TURKEY:	
(See wild turkey.)	
TUSCOLA COUNTY:	
local act.....	160
VAN BUREN COUNTY:	
local acts as to lakes in.....	171
killing of deer prohibited.....	169
VIRGINIA PARTRIDE:	
(See quail.)	
WALLOON LAKE:	
local act.....	99
WARDEN, GAME AND FISH:	
appointed by Governor for four years.....	1
salary and expenses payable monthly.....	1
duty to enforce game and fish laws.....	2
same authority as prosecuting attorneys.....	2
may make complaint, etc.....	3
same power as sheriffs.....	4
may make arrests without warrant, when.....	4
" " " on Sunday.....	4
shall make annual report to Auditor General.....	5
monthly reports to Secretary of State.....	6
may appoint deputy wardens and county wardens.....	7
may grant permits to kill birds.....	143
WASHTENAW COUNTY:	
local act.....	69, 89
WATER FOWL:	
may be killed only when.....	130
WEIR DAM OR NET:	
placing of, across race, stream, etc., unlawful.....	20
WEXFORD COUNTY:	
local act.....	30
WHITE FISH:	
catching of in certain waters, unlawful, when.....	53
diverting running of, unlawful.....	54
in South Manistique Lake.....	109

WHITMORE LAKE:	Compiler's section.
local act as to	89
WILD DUCK:	
may be killed only, when	130
not to be caught by nets, etc.	134
killed with punt gun, etc.	135
nests not to be robbed	136
WILD FOWL:	
must not be molested at night	136
with swivel or punt gun	135
nests must not be molested	136
WILD FOWL BAY:	
public shooting grounds	165
WILD TURKEY:	
may be killed only, when	128
not to be caught by nets, snares, etc.	134
transported beyond State	152
WILD GEESE:	
may be killed only, when	130
not to be caught by nets	134
WOODCOCK:	
may be killed only, when	129

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